MYSORE GOVERNMENT, GENERAL AND REVENUE SECRETARIAT

~~JUDICIAL DEPARTMENT~~ Legislative Council

Subject **File No.** 8 of 07

Amendment of Court Fees Regulation Bill

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1	A spare Copy		of the Court Fees	Regulation, III of 1900.
2	Copy of Letter		& the 13th July 1907 from the H. Councillor to Dewan	Requests the permission of the Dewan for the introduction of a bill in the matter
3	Proceedings		of the Legislative Council, & 25/7/1907.	Containing the H. Councillor's Speech on the occasion of soliciting permission for the introduction of the above measure.
3/a				Draft of the above
4	Notification No. 29/L.C	26/7/07	Compiler	Regarding the publication of the Bill under rule 31 of the Leg Council Rules
4/a	Two	spare	Copies of the Bill	as published in the Gazette under the above Notification
5	56-67 L.C	8/8/07	Members of Leg Council	Forwards Copies of the above, with Statement of Objects & reasons.
6	Petition	27/8/07	From Mr S. N. Subba Krishna Rao, Shimoga	Forwards a representation suggesting an amendment of the Bill in the lines proposed by him.
7	~~Letter~~	9/8/07	From the H. Councillor	Notifies his intention of making a motion before the meeting to be held on the 28th Aug 07. for the reading of the Bill.
8	Abstract		proc of the Leg Council	Refers the Bill & select Committee &c

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9	157/15	18/5/07	Sec. to Lt-Gov. Natal	Forwards an extract of representation made in Min No 6. submitted to him in connection with the Bill A subjects.
10 &	156/L.C.	6/11/07	To Printer, Messrs Shuter & Shooter.	Directs the publication of the Select Committee's Report on the Bill & the Bill as amended by them
10/a	2 printed & 2 MS copies			of the Select Committee & the Bill as amended by them
11	203-14/L.C.	16/11/07	To Members of the L.C.	Forwards copies of the above.
12	The criticism of the Daily Post			on the Bill.
13	Proof of the Legislative Council of the 29th June 1908			— Passing the Bill
14	334/L.C.	25/7/08	To Supt, Government Printing & Stationery	Forwards the Bill as finally passed by the Council & requests him to print the same & forward 50 copies.
14/a				Draft of the Bill as above & a spare copy as printed in accordance with the above.
15	Bill		as enacted	by H.M. and certified by the effect by the Secretary
16.	Bill		signed as	Regulation I of 1908

(62) 4)

GOVERNMENT OF MYSORE

LEGISLATIVE DEPARTMENT.

THE MYSORE COURT-FEES REGULATION 1900.

REGULATION III OF 1900.

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REGULATION NO. III OF 1900.

(PASSED ON THE 21ST DAY OF APRIL 1900).

THE MYSORE COURT-FEES REGULATION, 1900.

CHAPTER I.

PRELIMINARY.

1. This Regulation may be called the Mysore Court-fees Regulation, 1900. — Short title.

It extends to the whole of Mysore. — Extent of Regulation.

And it shall come into force on the first day of July 1900. — Commencement of Regulation.

2. On and from the first day of July 1900 the enactments mentioned in the fourth Schedule shall be repealed to the extent specified in the fourth column thereof. — Repeal of enactments.

CHAPTER II.

FEES IN COURTS AND IN PUBLIC OFFICES.

3.—No document of any of the kinds specified as chargeable in the first or second schedule to this Regulation annexed shall be filed, exhibited or recorded in any Court of Justice, or shall be received or furnished by any public officer, unless in respect of such document there be paid a fee of an amount not less than that indicated by either of the said schedules as the proper fee for such document. — Fees on documents filed, etc., in Courts or in public offices.

4. The amount of fee payable under this Regulation in the suits next hereinafter mentioned shall be computed as follows:— — Computation of fees payable in certain suits:

i. In suits for money (including suits for damages or compensation, or arrears of maintenance, of annuities, or of other sums payable periodically) —according to the amount claimed: — for money;

ii. In suits for maintenance and annuities or other sums payable periodically—according to the value of the subject-matter of the suit, and such value shall be deemed to be ten times the amount claimed to be payable for one year: — for maintenance and annuities;

iii. In suits for moveable property other than money, where the subject-matter has a market-value—according to such value at the date of presenting the plaint: — for other moveable property having a market-value;

iv. In suits—

(*a*) for moveable property where the subject-matter has no market-value, as, for instance, in the case of documents relating to title, — for moveable property of no market-value;

(*b*) to enforce the right to share in any property on the ground that it is joint family property, — to enforce a right to share in joint family property;

For a declaratory decree and consequential relief;

(*c*) to obtain a declaratory decree or order, where consequential relief is prayed,

for an injunction;

(*d*) to obtain an injunction,

for easements;

(*e*) for a right to some benefit (not herein otherwise provided for) to arise out of land, and

for accounts;

(*f*) for accounts—

according to the amount at which the relief sought is valued in the plaint or memorandum of appeal.

In all such suits the plaintiff shall state the amount at which he values the relief sought:

For possession of lands, houses and gardens

v. In suits for the possession of land, houses and gardens —according to the value of the subject-matter; and such value shall be deemed to be—

A. where the subject-matter is land, and—

(*a*) where the land forms an entire estate, or a definite share of an estate, paying annual revenue to Government,

or forms part of such an estate and is recorded in the Deputy Commissioner's register as separately assessed with such revenue,

and such revenue is permanently settled—

ten times the revenue so payable:

(*b*) where the land forms an entire estate, or a definite share of an estate, paying annual revenue to Government, or forms part of such estate and is recorded as aforesaid;

and such revenue is settled, but not permanently—

five times the revenue so payable:

(*c*) where the land pays no such revenue, or has been partially exempted from such payment, or is charged with any fixed payment, in lieu of such revenue,

and nett profits have arisen from the land during the year next before the date of presenting the plaint—

fifteen times such nett profits:

but where no such nett profits have arisen therefrom—the amount at which the Court shall estimate the land with reference to the value of similar land in the neighbourhood:

(*d*) where the land forms part of an estate paying revenue to Government, but is not a definite share of such estate and is not separately assessed as above-mentioned—the market value of the land:

Explanation.—The word "estate," as used in this paragraph, means any land subject to the payment of revenue, for which the proprietor or farmer or raiyat shall have executed a separate engagement to Government, or which, in the absence of such engagement, shall have been separately assessed with revenue:

B. where the subject-matter is a house or garden—

the market-value of the house or garden:

to enforce a right of pre-emption;

vi. In suits to enforce a right of pre-emption—according to the value (computed in accordance with paragraph v of this section) of the land, house or garden in respect of which the right is claimed;

vii. In suits for the interest of an assignee of land-revenue—fifteen times his nett profits as such for the year next before the date of presenting the plaint: — for interest of assignee of land-revenue;

viii. In suits to set aside an attachment of land or of an interest in land or revenue—according to the amount for which the land or interest was attached: — to set aside an attachment;

Provided that, where such amount exceeds the value of the land or interest, the amount of fee shall be computed as if the suit were for the possession of such land or interest.

ix. In suits against a mortgagee for the recovery of the property mortgaged, — to redeem;

and in suits by a mortgagee to foreclose the mortgage, — to foreclose;

or, where the mortgage is made by conditional sale, to have the sale declared absolute—

according to the principal money expressed to be secured by the instrument of mortgage:

x. In suits for specific performance— — for specific performance;

(*a*) of a contract of sale—according to the amount of the consideration:

(*b*) of a contract of mortgage—according to the amount agreed to be secured:

(*c*) of a contract of lease—according to the aggregate amount of the fine or premium (if any) and of the rent agreed to be paid during the first year of the term:

(*d*) of an award—according to the amount or value of the property in dispute:

xi. In the following suits between landlord and tenant: — between landlord and tenant.

(*a*) for the delivery by a tenant of the counterpart of a lease,

(*b*) to enhance the rent of a tenant having a right of occupancy,

(*c*) for the delivery by a landlord of a lease,

(*d*) to contest a notice of ejectment,

(*e*) to recover the occupancy of land from which a tenant has been illegally ejected by the landlord, and

(*f*) for abatement of rent—

according to the amount of the rent of the land to which the suit refers, payable for the year next before the date of presenting the plaint.

5. The amount of fee payable under this Regulation on a memorandum of appeal against an order relating to compensation under any Regulation for the time being in force for the acquisition of land for public purposes shall be computed according to the difference between the amount awarded and the amount claimed by the appellant. — Fee on memorandum of appeal against order relating to compensation.

6. If the Court sees reason to think that the annual nett profits or the market-value of any such land, house or garden as is mentioned in Section 4, paragraphs v and vi, have or has been wrongly estimated, the Court may, for the purpose of computing the fee payable in any suit therein mentioned, issue a commission to any proper person directing him to make such local or other investigation as may be necessary, and to report thereon to the Court. — Power to ascertain nett profits or market-value.

Procedure where nett profits or market-value wrongly estimated.

7. i. If in the result of any such investigation the Court finds that the nett profits or market-value have or has been wrongly estimated, the Court, if the estimation has been excessive, may in its discretion refund the excess paid as such fee: but, if the estimation has been insufficient, the Court shall require the plaintiff to pay so much additional fee as would have been payable had the said market-value or nett profits been rightly estimated.

ii. In such case the suit shall be stayed until the additional fee is paid. If the additional fee is not paid within such time as the Court shall fix, the suit shall be dismissed.

Procedure in suits for mesne profits on account when amount decreed exceeds amount claimed.

8. In suits for mesne profits or for immoveable property and mesne profits, or for an account, if the profits or amount decreed are or is in excess of the profits claimed or the amount at which the plaintiff valued the relief sought, the decree shall not be executed until the difference between the fee actually paid and the fee which would have been payable had the suit comprised the whole of the profits or amount so decreed shall have been paid to the proper officer.

Where the amount of mesne profits is left to be ascertained in the course of the execution of the decree, if the profits so ascertained exceed the profits claimed, the further execution of the decree shall be stayed until the difference between the fee actually paid and the fee which would have been payable had the suit comprised the whole of the profits so ascertained is paid. If the additional fee is not paid within such time as the Court shall fix, the suit shall be dismissed.

Decision of questions as to valuation.

9. i. Every question relating to valuation for the purpose of determining the amount of any fee chargeable under this chapter on a plaint or memorandum of appeal shall be decided by the Court in which such plaint or memorandum, as the case may be, is filed, and such decision shall be final as between the parties to the suit.

ii. But whenever any such suit comes before a Court of appeal, reference or revision, if such Court considers that the said question has been wrongly decided, to the detriment of the revenue, it shall require the party by whom such fee has been paid to pay so much additional fee as would have been payable had the question been rightly decided, and the provisions of Section 7, paragraph ii, shall apply.

Refund of fee paid on memorandum of appeal.

10. If an appeal or plaint, which has been rejected by the lower Court on any of the grounds mentioned in the Code of Civil Procedure, is ordered to be received, or if a suit is remanded in appeal, on any of the grounds mentioned in Section 562 of the same Code, for a second decision by the lower Court, the Appellate Court shall grant to the appellant a certificate, authorising him to receive back from the Deputy Commissioner the full amount of fee paid on the memorandum of appeal.

Provided that if, in the case of a remand in appeal, the the order of remand shall not cover the whole of the subject-matter of the suit, the certificate so granted shall not authorise the appellant to receive back more than so much fee as would have been originally payable on the part or parts of such subject-matter in respect whereof the suit has been remanded.

Refund of fee on application for review of judgment.

11. Where an application for a review of judgment is presented on or after the ninetieth day from the date of the decree, the Court, unless the delay was caused by the applicant's laches, may, in its discretion, grant him a certificate authorising him to receive back form the Deputy Commissioner so much of the fee paid on the application as exceeds the fee

which would have been payable had it been presented before such day.

Refund where Court reverses or modifies its former decision on ground of mistake.

12. Where an application for a review of judgment is admitted, and where, on the rehearing, the Court reverses or modifies its former decision on the ground of mistake in law or fact, the applicant shall be entitled to a certificate from the Court authorizing him to receive back from the Deputy Commissioner so much of the fee paid on the application as exceeds the fee payable on any other application to such Court under the second schedule to this Regulation, No. 1, clause (*b*) or clause (*d*).

But nothing in the former part of this section shall entitle the applicant to such certificate where the reversal or modification is due, wholly or in part, to fresh evidence which might have been produced at the original hearing.

Additional fee where respondent takes objection to unappealed part of decree.

13. When any appeal is presented to a Civil Court, not against the whole of a decision, but only against so much thereof as relates to a portion of the subject-matter of the suit, and, on the hearing of such appeal the respondent takes, under Section 561 of the Code of Civil Procedure, an objection to any part of the said decision other than the part appealed against, the Court shall not hear such objection until the respondent shall have paid the additional fee which would have been payable had the appeal comprised the part of the decision so objected to.

Multifarious suits.

14. Where a suit embraces two or more distinct subjects, the plaint or memorandum of appeal shall be chargeable with the aggregate amount of the fees to which the plaints or memoranda of appeal in suits embracing separately each of such subjects would be liable under this Regulation.

Nothing in the former part of this section shall be deemed to affect the power conferred by the Code of Civil Procedure, Section 45, paragraph 2.

Written examinations of complainants.

15. When the first or only examination of a person who complains of the offence of wrongful confinement, or of wrongful restraint, or of any offence other than an offence for which police-officers may arrest without a warrant, and who has not already presented a petition on which a fee has been levied under this Regulation, is reduced to writing under the provisions of the Code of Criminal Procedure, the complainant shall pay a fee of eight annas, unless the Court thinks fit to remit such payment.

Exemption of certain documents.

16. Nothing contained in this Regulation shall render the following documents chargeable with any fee :—

i. Power-of-attorney to institute or defend a suit when executed by an officer or soldier in His Highness the Maharaja's Military Forces not in civil employment.

ii. Written statements called for by the Court after the first hearing of a suit.

iii. Probate of a will and letters of administration, where the amount or value of the property in respect of which the probate or letters shall be granted does not exceed one thousand rupees.

iv. Application or petition to a Deputy Commissioner or other officer making a settlement of land-revenue, or to the Government, relating to matters connected with the assessment of land or the ascertainment of rights thereto or interests therein, if presented previous to the final confirmation of such settlement.

v. Application relating to a supply for irrigation of water belonging to Government.

vi. Application for leave to extend cultivation, or to relinquish land, when presented to an officer of land-revenue by a person holding, under direct engagement with Government, land of which the revenue is settled, but not permanently.

vii. Application for service of notice of relinquishment of land or of enhancement of rent.

viii. Written authority to an agent to distrain.

ix. First application (other than a petition containing a criminal charge or information) for the summons of a witness or other person to attend either to give evidence or to produce a document, or in respect of the production or filing of an exhibit not being an affidavit made for the immediate purpose of being produced in Court.

x. Bail-bonds in criminal cases, recognizances to prosecute or give evidence, and recognizances for personal appearance or otherwise.

xi. Petition, application, charge or information respecting any offence, when presented, made or laid to or before a Police-officer, or to or before the Heads of the Village Police.

xii. Petition by a prisoner, or other person in duress or under restraint of any Court or its officers.

xiii. Complaint of a public servant (as defined in the Indian Penal Code), a municipal officer, or an officer or servant of a Railway Company.

xiv. Application for permission to cut timber in Government forests, or otherwise relating to such forests.

xv. Application for the payment of money due by Government to the applicant.

xvi. Petition of appeal against any municipal tax.

xvii. Applications for compensation under any law for the time being in force relating to the acquisition of property for public purposes.

xviii. Petitions under the Indian Christian Marriage Act, 1872, Sections 45 and 48.

CHAPTER III.

PROBATES, LETTERS OF ADMINISTRATION AND CERTIFICATES OF ADMINISTRATION.

Relief where too high a court-fee has been paid.

17. Where any person on applying for the probate of a will or letters of administration has estimated the property of the deceased to be of greater value than the same has afterwards proved to be, and has consequently paid too high a court-fee thereon, if, within six months after the true value of the property has been ascertained, such person produces the probate or letters to the Chief Controlling Revenue-authority,

and delivers to such Authority a particular inventory and valuation of the property of the deceased, verified by affidavit or affirmation,

and if such Authority is satisfied that a greater fee was paid on the probate or letters than the law required,

the said Authority may—

(*a*) cancel the stamp on the probate or letters if such stamp has not been already cancelled ;

(*b*) substitute another stamp for denoting the court-fee which should have been paid thereon ; and

(*c*) make an allowance for the difference between them as in the case of spoiled stamps, or repay the same in money, at his discretion.

Relief where debts due from a deceased person have been paid out of his estate.

18. Whenever it is proved to the satisfaction of such Authority that an executor or Administrator has paid debts due from the deceased to such an amount as, being deducted out of the amount or value of the estate, reduces the same to a sum which, if it had been the whole gross amount or value of the estate, would have occasioned a less court-fee to be paid on the probate or letters of administration granted in respect of such estate than has been actually paid thereon under this Regulation,

such Authority may return the difference, provided the same be claimed within three years after the date of such probate or letters.

But when, by reason of any legal proceeding, the debts due from the deceased have not been ascertained and paid, or his effects have not been recovered and made available, and in consequence thereof the executor or administrator is prevented from claiming the return of such difference within the said term of three years, the said Authority may allow such further time for making the claim as may appear to be reasonable under the circumstances.

Relief in case of several grants.

19. Whenever a grant of probate or letters of administration has been or is made in respect of the whole of the property belonging to an estate, and the full fee chargeable under this Regulation has been or is paid thereon, no fee shall be chargeable under the same Regulation when a like grant is made in respect of the whole or any part of the same property belonging to the same estate.

Whenever such a grant has been or is made in respect of any property forming part of an estate, the amount of fees then actually paid under this Regulation shall be deducted when a like grant is made in respect of property belonging to the same estate, identical with or including the property to which the former grant relates.

Probates declared valid as to trust-property though not covered by court-fee.

20. The probate of the will or the letters of administration of the effects of any person deceased heretofore or hereafter granted shall be deemed valid and available by his executors or administrators for recovering, transferring or assigning any moveable or immoveable property whereof or whereto the deceased was possessed or entitled, either wholly or partially as a trustee, notwithstanding the amount or value of such property is not included in the amount or value of the estate in respect of which a court-fee was paid on such probate or letters of administration.

Provision for case where too low a court-fee has been paid on probates, etc.

21. Where any person on applying for probate or letters of administration has estimated the estate of the deceased to be of less value than the same has afterwards proved to be, and has in consequence paid too low a court-fee thereon, the Chief Controlling Revenue-authority may, on the value of the estate of the deceased being verified by affidavit or affirmation, cause the probate or letters of administration to be duly stamped on payment of the full court-fee which ought to have been originally paid thereon in respect of such value and of the further penalty, if the probate or letters is or are produced within one year from the date of the grant, of five times, or, if it or they is or are produced after one year from

such date, of twenty times, such proper court-fee, without any deduction of the court-fee originally paid on such probate or letters :

Provided that, if the application be made within six months after the ascertainment of the true value of the estate and the discovery that too low a court-fee was at first paid on the probate or letters, and if the said Authority is satisfied that such fee was paid in consequence of a mistake or of its not being known at the time that some particular part of the estate belonged to the deceased, and without any intention of fraud or to delay the payment of the proper court-fee, the said Authority may remit the said penalty, and cause the probate or letters to be duly stamped on payment only of the sum wanting to make up the fee which should have been at first paid thereon.

Administrator to give proper security before letters stamped under section 21.

22. In case of letters of administration on which too low a court-fee has been paid at first, the said Authority shall not cause the same to be duly stamped in manner aforesaid until the administrator has given such security to the Court by which the letters of administration have been granted as ought by law to have been given on the granting thereof in case the full value of the estate of the deceased had been then ascertained.

Executors, etc., not paying full court-fee on probates, etc., within six months after discovery of underpayment.

23. Where too low a court-fee has been paid on any probate or letters of administration in consequence of any mistake, or of its not being known at the time that some particular part of the estate belonged to the deceased, if any executor or administrator acting under such probate or letters does not, within six months after the discovery of the mistake or of any effects not known at the time to have belonged to the deceased, apply to the said Authority and pay what is wanting to make up the court-fee which ought to have been paid at first on such probate or letters, he shall forfeit the sum of one thousand rupees and also a further sum at the rate of ten rupees per cent. on the amount of the sum wanting to make up the proper court-fee.

Notice of applications for probate or letters of administration to be given to Revenue-authorities, and procedure thereon.

24. (1) Where an application for probate or letters of administration is made to any Court other than the Chief Court, the Court shall cause notice of the application to be given to the Deputy Commissioner.

(2) Where such an application as aforesaid is made to the Chief Court, the Chief Court shall cause notice of the application to be given to the Chief Controlling Revenue-authority.

(3) The Deputy Commissioner within the local limits of whose revenue-jurisdiction the property of the deceased or any part thereof is, may at any time inspect or cause to be inspected, and take or cause to be taken copies of, the record of any case in which application for probate or letters of administration has been made; and if, on such inspection or otherwise, he is of opinion that the petitioner has under estimated the value of the property of the deceased, the Deputy Commissioner may, if he thinks fit, require the attendance of the petitioner (either in person or by agent) and take evidence and inquire into the matter in such manner as he may think fit, and, if he is still of opinion that the value of the property has been under-estimated, may require the petitioner to amend the valuation.

(4) If the petitioner does not amend the valuation to the satisfaction of the Deputy Commissioner, the Deputy Commissioner may move the Court before which the application for

probate or letters of administration was made, to hold an inquiry into the true value of the property:

Provided that no such motion shall be made after the expiration of six months from the date of the exhibition of the inventory required by section 277 of the Indian Succession Act, 1865.

(5) The Court, when so moved as aforesaid, shall hold, or cause to be held, an inquiry accordingly, and shall record a finding as to the true value, as near as may be, at which the property of the deceased should have been estimated. The Deputy Commissioner shall be deemed to be a party to the inquiry.

(6) For the purposes of any such inquiry, the Court or person authorized by the Court to hold the inquiry may examine the petitioner for probate or letters of administration on oath (whether in person or by commission), and may take such further evidence as may be produced to prove the true value of the property. The person authorized as aforesaid to hold the inquiry shall return to the Court the evidence taken by him and report the result of the inquiry, and such report and the evidence so taken shall be evidence in the proceeding, and the Court may record a finding in accordance with the report, unless it is satisfied that it is erroneous.

(7) The finding of the Court recorded under sub-section (5) shall be final, but shall not bar the entertainment and disposal by the Chief Controlling Revenue-authority of any application under section 21.

(8) The Government may make rules for the guidance of Deputy Commissioners in the exercise of the powers conferred by sub-section (3).

Payment of court-fees in respect of probates and letters of administration.

25. (1) No order entitling the petitioner to the grant of probate or letters of administration shall be made upon an application for such grant until the petitioner has filed in the Court a valuation of the property in the form set forth in the third schedule, and the Court is satisfied that the fee mentioned in No. 10 of the first schedule has been paid on such valuation.

(2) The grant of probate or letters of administration shall not be delayed by reason of any motion made by the Deputy Commissioner under section 24, sub-section (4).

Recovery of penalties, &c.

26. (1) Any excess fee found to be payable on an inquiry held under section 24, sub-section (6), and any penalty or forfeiture under section 23 may, on the certificate of the Chief Controlling Revenue-authority, be recovered from the executor or administrator as if it were an arrear of land-revenue by any Deputy Commissioner in any part of Mysore.

(2) The Chief Controlling Revenue-authority may remit the whole or any part of any such penalty or forfeiture as aforesaid, or any part of any penalty under section 21 or of any court-fee under section 21 in excess of the full court-fee which ought to have been paid.

Sections 3 and 36 not to apply to probates or letters of administration.

27. Nothing in section 3 or section 36 shall apply to probates or letters of administration.

Sections 17 to 27 applied to certificates under the Rules relating to Minors.

28. The provisions of sections 17 to 27 (both inclusive) shall, *mutatis mutandis*, apply to certificates granted under the Rules relative to the custody and guardianship of Minors, etc., published under the Notification of the Government of India, Foreign Department, Judicial, No. 75 J., dated the 25th April 1872, and to the holders of such certificates.

CHAPTER IV.

PROCESS-FEES.

Rules as to costs of processes.

29. The Chief Court shall, as soon as may be, make rules as to the following matters :—

i. the fees chargeable for serving and executing processes issued by such Court in its appellate jurisdiction, and by the other Civil and Revenue Courts established within the local limits of such jurisdiction ;

ii. the fees chargeable for serving and executing processes issued by the Criminal Courts established within such limits in the case of offences other than offences for which police officers may arrest without a warrant ; and

iii. the remuneration of the peons and all other persons employed by leave of a Court in the service or execution of processes.

The Chief Court may from time to time alter and add to the rules so made.

Sanction and publication of rules.

All such rules, alterations and additions shall, after being sanctioned by the Government, be published in the official Gazette, and shall thereupon have the force of law.

Until such rules shall be so made and published, the fees now levyable for serving and executing processes shall continue to be levied, and shall be deemed to be fees leviable under this Regulation.

Tables of process-fees.

30. A table in the English and Kanarese languages, showing the fees chargeable for such service and execution, shall be exposed to view in a conspicuous part of each Court.

Number of peons in District and subordinate Courts.

31. Subject to rules to be made by the Chief Court and approved by the Government,

every District Judge and every Magistrate of a District shall fix, and may from time to time alter, the number of peons necessary to be employed for the service and execution of processes issued out of his Court and each of the Courts subordinate thereto,

Number of peons in Small Cause Courts.

and for the purposes of this section, every Court of Small Causes shall be deemed to be subordinate to the Court of the District Judge.

Number of peons in Revenue Courts.

32. Subject to rules to be framed by the Chief Cantrolling Revenue-authority and approved by the Government, every officer performing the functions of a Deputy Commissioner of a District shall fix, and may from time to time alter, the number of peons necessary to be employed for the service and execution of processes issued out of his Court or the Courts subordinate to him.

CHAPTER V.

OF THE MODE OF LEVYING FEES.

Collection of fees by stamps.

33. All fees chargeable under this Regulation shall be collected by stamps.

Stamps to be impressed or adhesive.

34. The stamps used to denote any fees chargeable under this Regulation shall be impressed or adhesive, or partly impressed and partly adhesive, as the Government may, by notification in the official Gazette, from time to time direct.

Rules for supply, number, renewal and keeping accounts of stamps.

35. The Government may, from time to time, make rules for regulating—

(*a*) the supply of stamps to be used under this Regulation,

(*b*) the number of stamps to be used for denoting any fee chargeable under this Regulation,

(*c*) the renewal of damaged or spoiled stamps, and

(*d*) the keeping accounts of all stamps used under this Regulation.

All such rules shall be published in the official Gazette, and shall thereupon have the force of law.

Stamping documents inadvertently received.

36. No document which ought to bear a stamp under this Regulation shall be of any validity, unless and until it is properly stamped.

But, if any such document is through mistake or inadvertence received, filed or used in any Court or office without being properly stamped, the presiding Judge or the head of the office, as the case may be, or, in the case of the Chief Court, any Judge of such Court, may, if he thinks fit, order that such document be stamped as he may direct; and, on such document being stamped accordingly, the same and every proceeding relative thereto shall be as valid as if it had been properly stamped in the first instance.

Amended document.

37. Where any such document is amended in order merely to correct a mistake and to make it conform to the original intention of the parties, it shall not be necessary to impose a fresh stamp.

Cancellation of stamp.

38. No document requiring a stamp under this Regulation shall be filed or acted upon in any proceeding in any Court or office until the stamp has been cancelled.

Such officer as the Court or the head of the office may from time to time appoint shall, on receiving any such document, forthwith effect such cancellation by punching out the figure-head so as to leave the amount designated on the stamp untouched, and the part removed by punching shall be burnt or otherwise destroyed.

CHAPTER VI.

Miscellaneous.

Repayment of fees paid on applications to Criminal Courts.

39. i. Whenever an application or petition containing a complaint or charge of an offence, other than an offence for which police-officers may arrest without warrant, is presented to a Criminal Court, the Court, if it convict the accused person, shall, in addition to the penalty imposed upon him, order him to repay to the complainant the fee paid on such application or petition.

ii. In the case mentioned in section 15, the Court, if it convict the accused person, shall, in addition to the penalty imposed upon him, order him to repay to the complainant the fee, if any, paid by the latter for the examination.

iii. When the complainant has paid fees for serving processes in either of the cases mentioned in the first and second paragraphs of this section, the Court, if it convict the accused person, shall, in addition to the penalty imposed upon him, order him to repay such fees to the complainant.

iv. All fees ordered to be repaid under this section may be recovered as if they were fines imposed by the Court.

Admission in criminal cases of documents for which proper fee has not been paid.

40. Whenever the filing or exhibition in a Criminal Court of a document in respect of which the proper fee has not been paid is, in the opinion of the presiding Judge, necessary to prevent a failure of justice, nothing contained in section 3 shall be deemed to prohibit such filing or exhibition.

Sale of stamps.

41. (1) The Government may from time to time make Rules for regulating the sale of stamps to be used under this regulation, the persons by whom alone such sale is to be conducted, and the duties and remuneration of such persons.

(2) All such rules shall be published in the official Gazette, and shall thereupon have the force of law.

(3) Any person appointed to sell stamps who disobeys any rule made under this section, and any person not so appointed who sells or offers for sale any stamp, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Power to reduce or remit fees.

42. The Government may from time to time, by notification in the official Gazette, reduce or remit, in the whole or in any part of Mysore, all or any of the fees mentioned in the first and second schedules to this Regulation annexed,

and may in like manner cancel or vary such order.

SCHEDULE I.

Ad valorem fees.

Number.		Proper Fee.
1. * Plaint or memorandum of appeal (not otherwise provided for in this Regulation), presented to any Civil or Revenue Court.	When the amount or value of the subject-matter in dispute does not exceed five rupees.	Six annas.
	When such amount or value exceeds five rupees, For every five rupees, or part thereof, in excess of five rupees, up to one hundred rupees.	Six annas.
	When such amount or value exceeds one hundred rupees, For every ten rupees, or part thereof, in excess of one hundred rupees, up to one thousand rupees.	Twelve annas.
	When such amount or value exceeds one thousand rupees, For every one hundred rupees, or part thereof, in excess of one thousand rupees, up to five thousand rupees.	Five rupees.
	When such amount or value exceeds five thousand rupees, For every two hundred and fifty rupees, or part thereof, in excess of five thousand rupees, up to ten thousand rupees.	Ten rupees.
	When such amount or value exceeds ten thousand rupees, For every five hundred rupees, or part thereof, in excess of ten thousand rupees, up to twenty thousand rupees.	Fifteen rupees.
	When such amount or value exceeds twenty thousand rupees, For every one thousand rupees, or part thereof, in excess of twenty thousand rupees, up to thirty thousand rupees.	Twenty rupees.
	When such amount or value exceeds thirty thousand rupees, For every two thousand rupees, or part thereof, in excess of thirty thousand rupees, up to fifty thousand rupees.	Twenty rupees.
	When such amount or value exceeds fifty thousand rupees, For every five thousand rupees, or part thereof, in excess of fifty thousand rupees.	Twenty-five rupees.
	Provided that the maximum fee leviable on a plaint or memorandum of appeal shall be three thousand rupees.	

* To ascertain the proper fee leviable on the institution of a suit, see the table annexed to this schedule.

SCHEDULE I—*Ad valorem fees*—*continued.*

Number.		Proper Fee.
2. Plaint in a suit for possession under the Specific Relief Act, 1877, section 9.	...	A fee of one-half the amount prescribed in the foregoing scale.
3. Application for review of judgment, if presented on or after the ninetieth day from the date of the decree.	...	The fee leviable on the plaint or memorandum of appeal.
4. Application for review of judgment, if presented before the ninetieth day from the date of the decree.	...	One-half of the fee leviable on the plaint or memorandum of appeal.
5. Copy or translation of a judgment or order not being, or having the force of, a decree.	When such judgment or order is passed by any Civil Court other than the Chief Court, or by the presiding officer of any Revenue Court or Office, or by any other Judicial or Executive Authority—	
	(*a*).—If the amount or value of the subject-matter is fifty or less than fifty rupees.	Four annas.
	(*b*).—If such amount or value exceeds fifty rupees.	Eight annas.
	When such judgment or order is passed by the Chief Court.	One rupee.
6. Copy of a decree or order having the force of a decree.	When such decree or order is made by any Civil Court other than the Chief Court, or by any Revenue Court—	
	(*a*).—If the amount or value of the subject-matter of the suit wherein such decree or order is made is fifty or less than fifty rupees.	Eight annas.
	(*b*).—If such amount or value exceeds fifty rupees.	One rupee.
	When such decree or order is made by the Chief Court.	Four rupees.
7. Copy of any document liable to stamp-duty under the Mysore Stamp Regulation, 1900, when left by any party to a suit or proceeding in place of the original withdrawn.	(*a*).—When the stamp-duty chargeable on the original does not exceed eight annas.	The amount of the duty chargeable on the original.
	(*b*).—In any other case.	Eight annas.
8. Copy of any revenue or judicial proceeding or order not otherwise provided for by this Regulation, or copy of any account, statement, report or the like, taken out of any Civil or Criminal or Revenue Court or Office.	For every three hundred and sixty words or fraction of three hundred and sixty words.	Eight annas.

SCHEDULE I—*Ad valorem fees—concluded.*

Number.		Proper Fee.
9. Certificate of administration granted under the Rules relative to the Custody and Guardianship of minors, idiots and other disqualified persons in Mysore, published under the Notification of the Government of India, Foreign Department, Judicial No. 75 J., dated the 25th April 1872.	If the amount or value of the property in respect to which such certificate is granted does not exceed five hundred rupees.	Five rupees.
	If such amount or value exceeds five hundred rupees but not one thousand rupees.	Ten rupees.
	And for every one thousand rupees, or part thereof in excess of one thousand rupees.	Five rupees.
10. Probate of a will or letters of administration with or without will annexed.		
11. Certificate granted under Act No. XXVII of 1860 *(for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons)*.	If the amount or value of the property in respect of which the probate or letters or certificate shall be granted exceeds one thousand rupees.	Two percentum on such amount or value :
		Provided that when, after a certificate has been granted as aforesaid in respect of any estate, probate or letters of administration is or are granted in respect of the same estate, the fee payable in respect of such latter grant shall be reduced by the amount of the fee paid in respect of the former grant.
	Note.—The person to whom any such certificate is granted, or his representative, shall, after the expiration of twelve months from the date of such certificate and thereafter whenever the Court granting such certificate requires him so to do, file a statement on oath of all moneys recovered or realised by him under such certificate.	
	If the moneys so recovered or realised exceed the amount of debts or other property as sworn to by the person to whom the certificate is granted, the Court may cancel the same and order such person to take out a fresh certificate and pay the fee prescribed by this Schedule for such excess.	
	In default of filing such statement within the time allowed, the Court may cancel such certificate.	

SCHEDULE I.

Table of rates of ad valorem fees leviable on the institution of suits.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.
Rs.	Rs.	Rs. a. p.
...	5	0 6 0
5	10	0 12 0
10	15	1 2 0
15	20	1 8 0
20	25	1 14 0
25	30	2 4 0
30	35	2 10 0
35	40	3 0 0
40	45	3 6 0
45	50	3 12 0
50	55	4 2 0
55	60	4 8 0
60	65	4 14 0
65	70	5 4 0
70	75	5 10 0
75	80	6 0 0
80	85	6 6 0
85	90	6 12 0
90	95	7 2 0
95	100	7 8 0
100	110	8 4 0
110	120	9 0 0
120	130	9 12 0
130	140	10 8 0
140	150	11 4 0
150	160	12 0 0
160	170	12 12 0
170	180	13 8 0
180	190	14 4 0
190	200	15 0 0

SCHEDULE I.

Table of rates of ad valorem fees leviable on the institution of suits.—continued.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.
Rs.	Rs.	Rs. a. p.
200	210	15 12 0
210	220	16 8 0
220	230	17 4 0
230	240	18 0 0
240	250	18 12 0
250	260	19 8 0
260	270	20 4 0
270	280	21 0 0
280	290	21 12 0
290	300	22 8 0
300	310	23 4 0
310	320	24 0 0
320	330	24 12 0
330	340	25 8 0
340	350	26 4 0
350	360	27 0 0
360	370	27 12 0
370	380	28 8 0
380	390	29 4 0
390	400	30 0 0
400	410	30 12 0
410	420	31 8 0
420	430	32 4 0
430	440	33 0 0
440	450	33 12 0
450	460	34 8 0
460	470	35 4 0
470	480	36 0 0
480	490	36 12 0
490	500	37 8 0
500	510	38 4 0
510	520	39 0 0

SCHEDULE I.

Table of rates of ad valorem fees leviable on the institution of suits.—continued

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.
Rs.	Rs.	Rs. a. p.
520	530	39 12 0
530	540	40 8 0
540	550	41 4 0
550	560	42 0 0
560	570	42 12 0
570	580	43 8 0
580	590	44 4 0
590	600	45 0 0
600	610	45 12 0
610	620	46 8 0
620	630	47 4 0
630	640	48 0 0
640	650	48 12 0
650	660	49 8 0
660	670	50 4 0
670	680	51 0 0
680	690	51 12 0
690	700	52 8 0
700	710	53 4 0
710	720	54 0 0
720	730	54 12 0
730	740	55 8 0
740	750	56 4 0
750	760	57 0 0
760	770	57 12 0
770	780	58 8 0
780	790	59 4 0
790	800	60 0 0
800	810	60 12 0
810	820	61 8 0
820	830	62 4 0
830	840	63 0 0

SCHEDULE I.

Table of rates of ad valorem fees leviable on the institution of suits.—continued.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.
Rs.	Rs.	Rs. a. p.
840	850	63 12 0
850	860	64 8 0
860	870	65 4 0
870	880	66 0 0
880	890	66 12 0
890	900	67 8 0
900	910	68 4 0
910	920	69 0 0
920	930	69 12 0
930	940	70 8 0
940	950	71 4 0
950	960	72 0 0
960	970	72 12 0
970	980	73 8 0
980	990	74 4 0
990	1,000	75 0 0
1,000	1,100	80 0 0
1,100	1,200	85 0 0
1,200	1,300	90 0 0
1,300	1,400	95 0 0
1,400	1,500	100 0 0
1,500	1,600	105 0 0
1,600	1,700	110 0 0
1,700	1,800	115 0 0
1,800	1,900	120 0 0
1,900	2,000	125 0 0
2,000	2,100	130 0 0
2,100	2,200	135 0 0
2,200	2,300	140 0 0
2,300	2,400	145 0 0
2,400	2,500	150 0 0
2,500	2,600	155 0 0

SCHEDULE I.

Table of rates of ad valorem fees leviable on the institution of suits.—continued.

Where the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.
Rs.	Rs.	Rs. a. p.
2,600	2,700	160 0 0
2,700	2,800	165 0 0
2,800	2,900	170 0 0
2,900	3,000	175 0 0
3,000	3,100	180 0 0
3,100	3,200	185 0 0
3,200	3,300	190 0 0
3,300	3,400	195 0 0
3,400	3,500	200 0 0
3,500	3,600	205 0 0
3,600	3,700	210 0 0
3,700	3,800	215 0 0
3,800	3,900	220 0 0
3,900	4,000	225 0 0
4,000	4,100	230 0 0
4,100	4,200	235 0 0
4,200	4,300	240 0 0
4,300	4,400	245 0 0
4,400	4,500	250 0 0
4,500	4,600	255 0 0
4,600	4,700	260 0 0
4,700	4,800	265 0 0
4,800	4,900	270 0 0
4,900	5,000	275 0 0
5,000	5,250	285 0 0
5,250	5,500	295 0 0
5,500	5,750	305 0 0
5,750	6,000	315 0 0
6,000	6,250	325 0 0
6,250	6,500	335 0 0
6,500	6,750	345 0 0
6,750	7,000	355 0 0

SCHEDULE I.

Table of rates of ad valorem fees leviable on the institution of suits.—continued.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.
Rs.	Rs.	Rs. a. p.
7,000	7,250	365 0 0
7,250	7,500	375 0 0
7,500	7,750	385 0 0
7,750	8,000	395 0 0
8,000	8,250	405 0 0
8,250	8,500	415 0 0
8,500	8,750	425 0 0
8,750	9,000	435 0 0
9,000	9,250	445 0 0
9,250	9,500	455 0 0
9,500	9,750	465 0 0
9,750	10,000	475 0 0
10,000	10,500	490 0 0
10,500	11,000	505 0 0
11,000	11,500	520 0 0
11,500	12,000	535 0 0
12,000	12,500	550 0 0
12,500	13,000	565 0 0
13,000	13,500	580 0 0
13,500	14,000	595 0 0
14,000	14,500	610 0 0
14,500	15,000	625 0 0
15,000	15,500	640 0 0
15,500	16,000	655 0 0
16,000	16,500	670 0 0
16,500	17,000	685 0 0
17,000	17,500	700 0 0
17,500	18,000	715 0 0
18,000	18,500	730 0 0
18,500	19,000	745 0 0
19,000	19,500	760 0 0
19,500	20,000	775 0 0

SCHEDULE I.

Tables of rates of ad valorem fees leviable on the institution of suits.—continued.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.
Rs.	Rs.	Rs. a. p.
20,000	21,000	795 0 0
21,000	22,000	815 0 0
22,000	23,000	835 0 0
23,000	24,000	855 0 0
24,000	25,000	875 0 0
25,000	26,000	895 0 0
26,000	27,000	915 0 0
27,000	28,000	935 0 0
28,000	29,000	955 0 0
29,000	30,000	975 0 0
30,000	32,000	995 0 0
32,000	34,000	1,015 0 0
34,000	36,000	1,035 0 0
36,000	38,000	1,055 0 0
38,000	40,000	1,075 0 0
40,000	42,000	1,095 0 0
42,000	44,000	1,115 0 0
44,000	46,000	1,135 0 0
46,000	48,000	1,155 0 0
48,000	50,000	1,175 0 0
50,000	55,000	1,200 0 0
55,000	60,000	1,225 0 0
60,000	65,000	1,250 0 0
65,000	70,000	1,275 0 0
70,000	75,000	1,300 0 0
75,000	80,000	1,325 0 0
80,000	85,000	1,350 0 0
85,000	90,000	1,375 0 0
90,000	95,000	1,400 0 0
95,000	1,00,000	1,425 0 0
1,00,000	1,05,000	1,450 0 0
1,05,000	1,10,000	1,475 0 0

SCHEDULE I.

Table of rates of ad valorem fees leviable on the institution of suits.—continued.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.
Rs.	Rs.	Rs. a. p.
1,10,000	1,15,000	1,500 0 0
1,15,000	1,20,000	1,525 0 0
1,20,000	1,25,000	1,550 0 0
1,25,000	1,30,000	1,575 0 0
1,30,000	1,35,000	1,600 0 0
1,35,000	1,40,000	1,625 0 0
1,40,000	1,45,000	1,650 0 0
1,45,000	1,50,000	1,675 0 0
1,50,000	1,55,000	1,700 0 0
1,55,000	1,60,000	1,725 0 0
1,60,000	1,65,000	1,750 0 0
1,65,000	1,70,000	1,775 0 0
1,70,000	1,75,000	1,800 0 0
1,75,000	1,80,000	1,825 0 0
1,80,000	1,85,000	1,850 0 0
1,85,000	1,90,000	1,875 0 0
1,90,000	1,95,000	1,900 0 0
1,95,000	2,00,000	1,925 0 0
2,00,000	2,05,000	1,950 0 0
2,05,000	2,10,000	1,975 0 0
2,10,000	2,15,000	2,000 0 0
2,15,000	2,20,000	2,025 0 0
2,20,000	2,25,000	2,050 0 0
2,25,000	2,30,000	2,075 0 0
2,30,000	2,35,000	2,100 0 0
2,35,000	2,40,000	2,125 0 0
2,40,000	2,45,000	2,150 0 0
2,45,000	2,50,000	2,175 0 0
2,50,000	2,55,000	2,200 0 0
2,55,000	2,60,000	2,225 0 0
2,60,000	2,65,000	2,250 0 0
2,65,000	2,70,000	2,275 0 0

SCHEDULE I.

Table of rates of ad valorem fees leviable on the institution of suits.—concluded.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.		
Rs.	Rs.	Rs	a.	p.
2,70,000	2,75,000	2,300	0	0
2,75,000	2,80,000	2,325	0	0
2,80,000	2,85,000	2,350	0	0
2,85,000	2,90,000	2,375	0	0
2,90,000	2,95,000	2,400	0	0
2,95,000	3,00,000	2,425	0	0
3,00,000	3,05,000	2,450	0	0
3,05,000	3,10,000	2,475	0	0
3,10,000	3,15,000	2,500	0	0
3,15,000	3,20,000	2,525	0	0
3,20,000	3,25,000	2,550	0	0
3,25,000	3,30,000	2,575	0	0
3,30,000	3,35,000	2,600	0	0
3,35,000	3,40,000	2,625	0	0
3,40,000	3,45,000	2,650	0	0
3,45,000	3,50,000	2,675	0	0
3,50,000	3,55,000	2,700	0	0
3,55,000	3,60,000	2,725	0	0
3,60,000	3,65,000	2,750	0	0
3,65,000	3,70,000	2,775	0	0
3,70,000	3,75,000	2,800	0	0
3,75,000	3,80,000	2,825	0	0
3,80,000	3,85,000	2,850	0	0
3,85,000	3,90,000	2,875	0	0
3,90,000	3,95,000	2,900	0	0
3,95,000	4,00,000	2,925	0	0
4,00,000	4,05,000	2,950	0	0
4,05,000	4,10,000	2,975	0	0
4,10,000	....	3,000	0	0

SCHEDULE II.

Fixed Fees.

Number.		Proper Fee.
1. Application or petition	(*a*).—When presented to any officer of the Customs or Excise Department or to any Magistrate by any person having dealings with the Government, and when the subject-matter of such application relates exclusively to those dealings ; or when presented to any officer of Land-revenue by any person holding temporarily-settled land under direct engagement with Government, and when the subject-matter of the application or petition relates exclusively to such engagement ; or when presented to any Municipal Commissioner under any law for the time being in force for the conservancy or improvement of any place, if the application or petition relates solely to such conservancy or improvement ; or when presented to any Civil Court other than a principal Civil Court of original jurisdiction, or to any Court of Small Causes, or to a Deputy Commissioner or other officer of revenue in relation to any suit or case in which the amount or value of the subject-matter is less than fifty rupees ; or when presented to any Civil, Criminal or Revenue Court, or to any Board or executive officer for the purpose of obtaining a copy or translation of any judgment, decree or order passed by such Court, Board or officer, or of any other document on record in such Court or Office.	One anna.

SCHEDULE II *Fixed Fees.* [illegible]

Number.		Proper Fee.
1. Application or petition concluded.	(*b*).—When containing a complaint or charge of any offence other than the offence for which Police officers may, under the Criminal Procedure Code, arrest without warrant, and presented to any Criminal Court; or when presented to a Civil, Criminal or Revenue Court, or to a Deputy Commissioner, or any Revenue officer having jurisdiction over or subordinate to a Deputy Commissioner or to any Magistrate in his executive capacity, and not otherwise provided for by this Regulation; or to deposit in Court revenue or rent; or for determination by a Court of the amount of compensation to be paid by landlord to his tenant.	Eight annas.
	(*c*).—When presented to the Chief Controlling Revenue or Executive Authority.	One rupee.
	(*d*).—When presented to the Chief Court.	Two rupees.
2. Application for leave to sue as a pauper.	....	Eight annas.
3. Application for leave to appeal as a pauper.	(*a*). When presented to a District Court.	One rupee.
	(*b*). When presented to the Chief Court.	Two rupees.
4. Plaint or memorandum of appeal in a suit to establish or disprove a right of occupancy.		
5. Bail-bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate under any section of the Code of Criminal Procedure, or the Code of Civil Procedure.	....	Eight annas.
6. Mukhtarnama or Wakalatnama.	When presented for the conduct of any one c[illegible]	

SCHEDULE II—*Fixed Fees.—concluded.*

Number.		Proper Fee.
	(*a*)—to any Civil or Criminal Court other than the Chief Court, or to any Revenue Court, or to any Deputy Commissioner or Magistrate, or other Executive Officer, other than the Chief Controlling Revenue or Executive Authority.	Eight annas.
	(*b*).—to the Chief Court, or Chief Controlling Revenue or Executive Authority.	Two rupees.
7. Memorandum of appeal when the appeal is not from an order rejecting a plaint or from a decree or an order having the force of a decree, and is presented—	(*a*)—to any Civil Court, other than the Chief Court, or to any Revenue Court or Executive Officer other than the Chief Court or Chief Controlling Revenue or Executive Authority.	Eight annas.
	(*b*)—to the Chief Court or Chief Controlling Executive or Revenue Authority,	Two rupees.
8. Caveat. 9. Petition in a suit under the Native Converts' Marriage Dissolution Act, 1866. 10. Plaint or memorandum of appeal in a suit to obtain possession of a wife.	.....	Five rupees.
11. Plaint or memorandum of appeal in each of the following suits :— i. to alter or set aside a summary decision or order of any Civil or Revenue Court : ii. to alter or cancel any entry in a register of the names of proprietors of revenue-paying estates : iii. to obtain a declaratory decree where no consequential relief is prayed : iv. to set aside an award : v. to set aside an adoption : vi. every other suit where it is not possible to estimate at a money-value the subject-matter in dispute, and which is not otherwise provided for by this Regulation.	.....	Ten rupees.
12. Application under section 523 of the Code of Civil Procedure.		
13. Agreement under section 527 of the same Code.		

SCHEDULE III.

(See section [illegible])

FORM OF VALUATION (TO BE USED WITH SUCH MODIFICATIONS, IF ANY, AS MAY BE NECESSARY).

IN THE COURT OF

Re Probate of the Will of , (*or Administration of*
the property and credits of ,) *deceased.*

I { solemnly affirm / make oath }

and say that I am the executor (or one of the executors or one of the next of kin) of , deceased, and that I have truly set forth in Annexure A to this affidavit all the property and credits of which the abovenamed deceased died possessed or was entitled to at the time of his death, and which have come, or are likely to come, to my hands.

2. I further say that I have also truly set forth in Annexure B all the items I am by law allowed to deduct.

3. I further say that the said assets, exclusive only of such last-mentioned items, but inclusive of all rents, interest, dividends and increased values since the date of the death of the said deceased, are under the value of .

ANNEXURE A.

	Rs.	a.	p.
VALUATION OF THE MOVEABLE AND IMMOVEABLE PROPERTY OF DECEASED.			
Cash in the house and at the banks, household goods, wearing-apparel, books, plate, jewels, etc.			
(*State estimated value according to best of Executor's or Administrator's belief.*)			
Property in Government securities transferable at the Public Debt Office.			
(*State description and value at the price of the day ; also the interest separately, calculating it to the time of making the application.*)			
Immoveable property, consisting of			
(*State description, giving, in the case of houses, the assessed value, if any, and the number of years' assessment the market-value is estimated at, and, in the case of land, the area, the market-value and all rents that have accrued.*)			
Leasehold Property.			
(*If the deceased held any leases for years determinable, state the number of years' purchase the profit rents are estimated to be worth and the value of such, inserting separately arrears due at the date of death and all rents received or due since that date to the time of making the application.*)			
Property in public companies.			
(*State the particulars and the value calculated at the price of the day ; also the interest separately, calculating it to the time of making the application*).			
Policy of insurance upon life, money out on mortgage and other securities, such as bonds, mortgages, bills, notes and other securities for money.			
(*State the amount of the whole ; also the interest separately, calculating it to the time of making the application*).			

SCHEDULE III —*concluded.*

	Rs.	a.	p.
Book debts.			
(*Other than bad.*)			
Stock in trade.			
(*State the estimated value, if any.*)			
Other property not comprised under the foregoing heads.			
(*State the estimated value, if any.*)			
TOTAL ..			
Deduct amount shown in Annexure B not subject to duty.			
NET TOTAL ..			

ANNEXURE B.

SCHEDULE OF DEBTS, ETC.	Rs.	a.	p.
Amount of debts due and owing from the deceased, payable by law out of the estate.			
Amount of funeral expenses.			
Amount of mortgage incumbrances.			
Property held in trust not beneficially or with general power to confer a beneficial interest.			
Other property not subject to duty.			
TOTAL			

SCHEDULE IV—*Enactments Repealed.*

(*See section* 2.)

Year.	No.	Short Title or Subject.	Extent of Repeal.
1870 ..	VII	The Court Fees Act, 1870, as applied to Mysore by Notification of the Government of India, Foreign Department, Judicial, No. 94, dated the 17th June 1870.	The whole.
1872 ..	XV	The Indian Christian Marriage Act, 1872, as applied to Mysore by Notification of the Government of India, Foreign Department, Judicial, No. 176-J., dated the 31st December 1875.	So much of Section 2, as relates to the Court Fees Act, 1870.

K. SHESHADRI IYER,
Dewan of Mysore.

U)

(2)

Camp Mysore
13th July 1907

To

Dewan of Mysore

Sir,

I beg to request your sanction in writing under Section 12 of Regulation I of 1907 for introducing two bills noted below at a meeting of the Mysore Legislative Council

I have the honor
to be, Sir,
Your most obedient Servant

(Sd) T. Ananda Rao.
First Councillor

I A bill to amend the Court Fees Regulation No III of 1900 with respect to the fees leviable in suits by lessors or landlords to recover possession of lands, houses or gardens leased or tenanted.

II A bill to consolidate and amend the law relating to village offices in Mysore.

The original is kept in the L.C. file 7 of 07 (Village Offices Bill)

Permission granted by Dewan. please retain Copies

file H.W. 10.7.07 Leg (x copy) 2 (H.W.) 13/7

SUPPLEMENT TO

The Mysore Gazette

PUBLISHED BY AUTHORITY.

BANGALORE, THURSDAY, JULY 25, 1907.

Abstract Proceedings of the Mysore Legislative Council.

The Council met in the Council Chamber, Public Offices, at 3 P.M. on Wednesday, the 24th July 1907 :—

PRESENT.

V. P. MADHAVA RAO, ESQ., C.I.E., Dewan (Presiding).

Ex-officio Members.

T. ANANDA RAO, ESQ., B.A., (First Councillor).
K. P. PUTTANA CHETTY, ESQ., (Second Councillor).

Additional Members.

Official.

A. RANGASWAMI IYENGAR, ESQ., B.A., B.L.
H. J. BHABHA, ESQ., M.A.
RAO BAHADUR M. MUTHANNA, ESQ.
M. KANTHARAJ URS, ESQ., B.A.
S. NARAYANA RAO, ESQ.

Non-official.

RAJAMANTRA PRAVINA C. SREENIVASIENGAR, ESQ.
V. N. NARASIMMIYENGAR, ESQ.
M. C. RANGIENGAR, ESQ., B.A.
B. NAGAPPA, ESQ., (Bar.-at-law).
SYED AMIR HASSAN, ESQ.

K. MYLAR RAO, ESQ., B.A., B.L. (Secretary).

PRESIDENT:—

GENTLEMEN,

Before proceeding to the regular business of this afternoon, allow me on behalf of His Highness the Maharaja to welcome you to this the first meeting of the newly-constituted Legislative Council of Mysore. We are to-day on the threshold of an important constitutional experiment, the second of its kind that has been undertaken in the State since the Rendition. The inauguration of the Representative Assembly more than a quarter of a century ago has been fully justified by the useful work it has done in its own sphere, whereby it has secured a definite place for itself in the scheme of Government. We are now, for the second time, broadening the base of the Administration by inviting the co-operation of a number of official and non-official gentlemen in the discharge of one of the most important functions of Government, that of legislation.

2. As you are aware, the objects intended to be secured by the Legislative Council are, chiefly, as follows:—

(i) To enable the people to place their wants and wishes before the Government through members qualified to represent them.

(ii) To give to legislative measures the benefit of personal discussion by a larger number of competent persons (official and non-official) than is possible under the ordinary Executive Council of three members, and from more varied stand-points.

(iii) To obtain the assistance of gentlemen (whether officials, members of the bar or others) qualified by practical experience and knowledge of the people to give advice in the making of laws and regulations.

(iv) To facilitate and ensure the consideration of the details of every measure by requiring its reference to and examination by a select committee.

(v) More than all, to provide that degree of publicity which is necessary to ensure the free and independent discussion of legislative measures from all points of view.

3 I am aware of the tendency in some quarters to question the practical value of this measure, on the ground that in constituting the Council the Government have proceeded with unnecessary caution; that certain important privileges conferred on the British Indian Councils, such as the power of interpellation and the discussion of the budget, have been withheld from the Mysore Council; and that the selection of non-official members has been kept entirely in the hands of Government.

4. These criticisms seem to me to ignore the conditions in Mysore, which make powers of interpellation to a great extent unnecessary, and the system of selection of members by His Highness the best under existing circumstances.

5. Before I take up these points, I may note another criticism that has been levelled against the Mysore Legislative Council. It was said that the Council as originally constituted did not include representatives of certain communities and interests. In the view taken by Government, the most efficient constitution of the Council is not so much one based altogether or chiefly on the representation of the different communities and interests in the State (a course which is found to be attended with practical difficulties), as one that ensures that the members selected are persons who are qualified, on the one hand, by their ability and attainments to assist the Government in the enactment of laws, and on the other, to understand and give proper form and expression to the views and sentiments of the people. There is already provision for particular communities or interests affected by proposed legislation being represented on select committees.

6. It is also a matter of common knowledge that, in the existing conditions of society, Government service and a few of the learned professions—notably the bar—attract the bulk of the intelligence and ability of the country, and until these conditions change largely, representation of the people to be effective has to depend mostly on these classes.

[*President.*]

7. Now, as regards the powers of interpellation and discussion of budgets, these no doubt have been given to the Legislative Councils in British India, but they were given at a late stage of the existence of those Councils, and you can well understand how a Native State like Mysore has to move even more cautiously than the British Indian Government in these matters. But, as I have remarked above, there is not the same necessity for granting them to the Legislative Council in Mysore as there is in British India. Mysore already possesses a Representative Assembly, in which it is open to the elected representatives of the people to make any representation they may consider necessary on administrative measures and on matters affecting the well-being of the people, and elicit information from Government; and how freely the Assembly has availed itself of this privilege from the very commencement, is a matter of common knowledge not only in Mysore but all over India. In fact, this privilege has been appreciated so much that, at the last session of the Assembly, when the question of instituting a Legislative Council was under consideration, the representatives were anxious to be assured that the constitution of a Legislative Council did not imply the withdrawal of the valued privilege.

8. As regards selection of members, I am far from denying the desirability of having the non-official members elected by a properly defined electorate, and I have no doubt that in a not distant future His Highness will be able to see his way to extend this further privilege to the people. A reference to the explanatory order which was published with the Regulation will show that the throwing open of a certain proportion of the seats on the Council to election by recognized public bodies like the Representative Assembly, is only a question of time, and has merely been postponed till sufficient experience should have been gained as to the most suitable mode of giving effect to the principle. The power to make rules in this behalf has been expressly reserved, as you will see, by section 5 of the Regulation. But I do not know if, under existing circumstances, the system of nomination by His Highness the Maharaja is not better adapted for securing efficient representation of the people than election either by the Representative Assembly or Local Boards.

9. It has again been objected that the non-official members now nominated are most of them retired officials. Far from looking upon this as a disqualification, I consider that the Council deserves to be congratulated on the fact that it has been able to secure as its members gentlemen who, having retired from the service of the State and earned a well-deserved rest, have so readily consented to place the benefit of their experience and instructed intelligence at the disposal of the Council. No one can question their representative character. They are of the people; they live in the country and own lands and other properties therein, and have as large a stake as any person can have in the stability and good government of the State and the happiness of its subjects. If they help to make good laws, they share the blessings of such laws in common with their fellow-subjects, and if the laws they help to enact are bad and trench on the liberty of the subject and are oppressive to him, they have to share these disadvantages equally with other subjects of the State. They have every claim to represent the people, and are such as would, under a system of election, secure the suffrages of any intelligent electorate.

10. One of the points of administrative reform in British India on which stress is laid by leaders of Indian opinion, has reference to the fact that high officials who have acquired valuable experience and skill in administration at the expense of the raiyat, carry away from the country all this experience and skill when they retire from the service. We are more fortunate here in Mysore in that our retired officers do not leave the country, and their knowledge and experience are not lost to the service of the people.

Influence among the people, ability to voice their wants and wishes and independence of thought and expression, are qualities necessary in every representative of the people, and it will readily be granted that retired officials possess these qualities in an equal measure with other non-official representatives, if not in a greater degree.

[*President; Mr. V. N. Narasimmiyengar.*]

11. I may also say that as far as the conditions in Mysore are concerned, I fail to see any meaning in the antithesis set up between official and non-official views of a question, or the views entertained by Government and those entertained by the people. The Government here is all centred in the Maharaja, and you know that I am indulging in no expressions of exaggeration when I say that as far as our Maharaja is concerned he has in Governmental matters no interests apart from those of his subjects. To Him we may without suspicion of flattery apply the beautiful sentiment of the poet Kalidasa, which was quoted the other day in the Imperial Legislative Council:—

प्रजानामेव भूत्यर्थं स ताभ्यो बलिमग्रहीत् ।
सहस्रगुणमुत्स्रष्टुमादत्ते हि रसं रविः ॥

"For the welfare of the subjects themselves he used to take taxes from them, just as the sun takes water from the earth, to return the same a thousandfold in the shape of rain."

12. In creating a Legislative Council and by summoning to it representatives of non-official public opinion, His Highness has given one more proof of his solicitude for the welfare of his subjects. It behoves us accordingly, by the proper discharge of the trust assigned to us, to justify the departure which His Highness has thus made in the constitution of the Government, and I have every confidence and hope that with your aid, gentlemen, the Council will fulfil the expectations which His Highness has formed in creating it.

MR. V. N. NARASIMMIYENGAR:—

SIR,

On behalf of the non-official members, I beg leave to offer to His Highness the Maharaja's Government our hearty acknowledgments for the establishment of the Mysore Legislative Council, the opening of which marks this as a red-letter day in the political history of Mysore.

We look upon this institution as the recognition and fruition of the grand central principle that the interests of the Sovereign and his subjects are identical, and that it is indispensable in the cause of good and progressive government that the ruler should be constantly in sympathetic touch with the people and should take into his mature consideration their ideals, sentiments, and aspirations in every measure of legislation undertaken for their benefit.

The elective principle is still in its infancy in India, and much more so in Mysore, although in Mysore it has the advantage of prospering under an indigenous rule. The appointment of non-official members by nomination, rather than election, was therefore at first indispensable. But it is felt by the public at large that in order to attain a full measure of efficiency, the Council should be more extensively representative, and should be able to express the sentiments of the people.

We are conscious that the results of the present experimental and limited measure will be watched outside our own territories with interest, and that much discretion and self-restraint are required on our part to make it efficient, and to prevent it from becoming abortive; and it is our fixed intention so to discharge our duties in this connection as to ensure its success without, however, sacrificing any interests that may be involved in the business brought before us.

In conclusion, Sir, we beg leave to be permitted to hope that after this Council has been in practical working for some time, and when the results so far achieved will justify it, His Highness the Maharaja's progressive Government will be pleased in the fulness of time to enlarge the constitution and powers of the Legislative Council, so that it may become truly representative, and may be allowed to take a share with the Government in the administration of the country.

Bill to consolidate and amend the Law relating to Village Offices in Mysore.

MR. T. ANANDA RAO :—

SIR,

The desirability of an enactment to regulate decisions of questions relating to Village Offices has been engaging the attention of the Authorities since the days of the Commission.

2. In his letter No. 1162, dated 30th August 1877, reporting on a case in which the Commissioner of the Nundydroog Division had asked for the Chief Commissioner's sanction for revising the Shanbhogi circles formed by the Survey Department, the Survey and Settlement Commissioner incidently remarked that "in Bombay so much trouble was caused by appeals and complaints from the decisions of the local officers, and the intrigue in connection with these had become such a scandal, that Bombay Hereditary Offices Act III of 1874 was passed for the purpose of regulating the course of procedure in these cases and placing them beyond the sphere of petty intrigue."

3. Thereupon, the Chief Commissioner, Mr. Saunders, considered that the Bombay Act, commonly known as the Watandar's Act, might, with advantage, be introduced into Mysore with suitable modifications. He called for the opinions of the Divisional Commissioners and Deputy Commissioners on the subject.

4. Of the three Commissioners, the Commissioner of Nagar, Major W. Hill, considered that the Hukumnamas of Sir Mark Cubbon, then extant, were sufficient for all purposes, and did not see the need for the Bombay Act, on the ground that the very term Watan was foreign to Mysore, that the Act encouraged the division of hereditary offices and that it recognized the rights of females to succeed to village offices contrary to the Chief Commissioner's disallowance of such "woman's rights" in the matter. He was also unwilling to make additions to the Statute Book in view of the Rendition of the State then imminent. The Commissioner of Nundydroog, Col. J. L. Pearse, was of opinion that the Act should be thoroughly revised so as to suit local conditions, and suggested the appointment of a Committee in which a senior officer of the Survey and Settlement Department may be associated to deal with the subject. The Officiating Commissioner of Ashtagram, Major R. C. Cole, sent some notes on the Act showing how far its provisions were already in force in Mysore. Of the Deputy Commissioners consulted, the Deputy Commissioner of Mysore did not reply; the Deputy Commissioner of Hassan had no opinion to offer; the Deputy Commissioners of Bangalore and Kadur (Captain Cumming and Major Blair respectively) were for the introduction of the Act; the Deputy Commissioners of Kolar, Tumkur, Shimoga and Chitaldrug (Mr. Krishna Iyengar, Captain Ludlow, Col. Mottett and Major Armstrong respectively) stated that the provisions of the Bombay Act had to be examined and amended to suit local conditions. Though the Deputy Commissioner of Hassan did not offer any remarks of his own, he forwarded the opinions of his Assistant Commissioner, of whom Mr. V. N. Narasimmiengar, whom we have the pleasure of seeing among us at this table, wrote that the Act appeared to be far too elaborate and intricate for the requirements of Mysore, though the main principles thereof were sound, and could be adopted in the shape of Rules. In February 1878, the entire correspondence was forwarded to the Survey and Settlement Commissioner (the Hon'ble Col. W. C. Anderson) for opinion.

5. No further action appears to have been taken until November 1888, when, on an inquiry from the Dewan's Office, the Superintendent of Revenue Survey (Col. Grant) reported that the Hon'ble Col. Anderson did not seem to have taken up the question for final report, but his numerous annotations on the papers sent to him showed that the matter engaged his close attention. Col. Grant suggested that the Act should be gone over by a competent Committee, and the provisions introduced with such alterations as the local conditions demanded. He thought that the introduction of the Act would follow naturally on the introduction of the Land Revenue Code.

[*Mr. T. Ananda Rao.*]

6. The subject engaged the attention of the late Dewan, Sir K. Sheshadri Iyer, who, on the 4th July 1894, minuted that "this is a complicated Act which it is not desirable to introduce into this Province. No further action is therefore required. The whole may be filed."

7. In the meantime, a vast body of scattered and disjointed rules and orders with regard to village officers came into existence. Some of these are collected and printed as Chapter III in the Revenue Manual of 1901. Some of them, such as the rules for the remuneration of Patels and Shanbhogs and minor village servants have the force of law; others are orders passed by Government in appeals from the decisions of Revenue Officers in regular suits; and a large number are administrative orders passed on the miscellaneous side and, as such, liable to be disregarded by subordinate officers in regular suits. The course of decisions, too, especially in the matter of succession to village offices, has not been by any means uniform or certain, with the result—which conflicting decisions induce—of encouraging litigation. All this has accentuated the necessity for legislation. Lastly, as the success of the Revenue Administration depends to a great extent upon the efficiency of the village service, the introduction of a law to regulate the latter and place it upon a proper basis, only follows naturally on the introduction of the Land Revenue Code which has governed the former for the last nineteen years.

8. The subject was taken up in December 1899 by the then Revenue Councillor of Eastern Division (the present Dewan), Mr. V. P. Madhava Rao, who asked for a reconsideration of the whole question, and the framing of a bill on the lines of the Bombay Act with the necessary modifications in consultation with Col. Grant.

9. The Bombay and Madras Acts relating to hereditary offices were examined, with the result that the Bombay Act was found to be unsuited for reasons of which the principal were :—

(i) The Bombay Act—as is the case with old enactments—entered into minute details which would now be more conveniently dealt with in rules framed under an Act;

(ii) The Bombay Act did not recognize the practice of bringing a suit for possession of a hereditary office. Such a practice has existed in Mysore.

(iii) The Bombay Act contemplated a regular settlement in the case of each Patel and Shanbhog. There is reason to believe that such a settlement was attempted in the days of the Commission in some districts of Mysore, but with no satisfactory result.

(iv) Some of the provisions in the Bombay Act were opposed to prevailing rule or practice in Mysore. For example, Deputy Commissioners in Mysore have long exercised the power, in certain contingencies, of dismissing village officers without the previous sanction of Government. It would be otherwise under the Bombay Act.

10. The provisions of the Madras Hereditary Village Offices Act III of 1895, were found to be more in conformity with local practice and adaptable to local requirements.

11. A bill was accordingly drafted in the Legislative Department. The object in view, while so drafting, was not to introduce any radical change in the present system but to adhere, as far as possible, to the traditions of Mysore Village Service with just such modifications as would be necessary to improve the efficiency of that service. The main principles of the bill are—

(i) that it prescribes qualifications, fixes the powers of appointment, removal and punishment of Village Officers in Sirkar villages, and also in alienated tracts;

(ii) that it simplifies the procedure regarding suits;

(iii) that it abolishes the vexatious and inconvenient practice of having two or more holders of the same office doing duty jointly or by turns;

[*Mr. T. Ananda Rao; Mr. Kantharaj Urs; Mr. K. P. Puttanna Chetty.*]

(iv) that it does away with the practice of registering females in certain circumstances as the holders of Village offices, a practice which has been another prolific cause of inconvenience and inefficiency in the service.

12. The draft bill was circulated for opinion to the Commissioners of Survey, Revenue and Excise and Deputy Commissioners of Districts. All the officers consulted are unanimous in recommending legislation. Their criticisms and suggestions are valuable and entitled to careful consideration, and are reserved for such consideration at the hands of this Council to whom the bill will be submitted as originally drafted. I now move for leave to introduce the bill.

MR. M. KANTHARAJ URS seconded the motion. The motion was put to the Council and carried.

The Mysore Police Bill.

MR. K. P. PUTTANNA CHETTY:—

MR. PRESIDENT,

The bill which I have now the honor to introduce to the Council relates to the Police Administration of the Province, and aims at consolidating and amending the law regarding the constitution and organization of the regular and village Police. The subject of Police Administration has been a matter for careful consideration both in Mysore and British India during some time past. Its efficiency or otherwise deeply affects the welfare of the people, and the Government in Mysore have from time to time introduced such changes in the system as tended to make the Police more efficient and better adapted to the wants of the people. The efforts of successive Administrators have resulted in giving the Province a system of Police Administration somewhat different from that prevailing in the Regulation Provinces of British India, and with certain distinguishing features which have evolved from the traditions of the past and the growing necessities of a progressive Administration. I may say at once that this bill does not introduce any drastic changes in the organization of the Police as existing at present, but attempts to define more clearly and precisely what the present law leaves in some obscurity.

History of the Police of Mysore.

The history of the Police of Mysore is interesting and, in view of the fact that some of its prominent features are due to historical circumstances, it is not superfluous to trace it in brief outline. The present Police had its germ in the Kandachar system, which replaced in 1834 the earlier Police formed of village servants and the irregular infantry. The Kandachar system consisted of a large irregular, ill-paid force, with ill-defined duties. The members of the force had the charge of the collection of revenue, and were also employed in Police and other work. The Amildar was the head of the Taluk Police. The close connection which the Kandachar system entailed between the Police and the Revenue authorities led to attempts being made to separate the two by the formation of a separate civil corps. These attempts failed, but in 1866 the Government of India Act of 1861 was introduced into the Town and District of Bangalore. Mr. L. Bowring, the Chief Commissioner, agreeing with the Superintendents, strenuously resisted the extension of the Act of 1861 to the Province as a whole; and he was specially averse to adopting the Madras system, under which the Police were entirely dissociated from all connection with, and control by, the Revenue authorities, as wholly unsuited to the conditions of Mysore. The Government of India, in ordering the organization of the Police in the Province in 1871, observed that the Madras system was radically defective in that it overlooked in a great measure the existence of the village Police, and that a comprehensive Police system should have village institutions as its basis, with the view of securing economy and efficiency. In pursuance of these orders, rules were framed in 1872 for the organization and regulation of the village and regular Police and for the guidance of the Magistracy in connection with the Police. Here ended the old Kandachar system, and it was superseded by the village and the regular Police, which has come down to the present time, with modifications and developments rendered necessary by the

[*Mr. K. P. Puttanna Chetty.*

changing circumstances of the Administration. Under the new rules, Deputy Superintendents continued to be the heads of the Police in each District, and the Taluk Magistrates the heads of the village Police of their Taluks, while Inspectors were made the heads of the Taluk regular Police. The independence of the Taluk Inspector was soon done away with, and in 1878 he was placed in direct subordination to the Amildar—a practice which continues to the present day. Thus ever since 1834 and even earlier, the District Superintendents and their successors the Deputy Commissioners have been the heads of the District Police, and the Amildars, with the brief exception of the period from 1872 to 1878, the heads of the Taluk Police. The subsequent history of the Police Administration relates to the augmentation of the force from time to time, the creation of new posts to meet altered circumstances, the revival of the Police Assistant Commissioners who were latterly designated Superintendents and Assistant Superintendents, the appointment of an Inspector-General of Police in 1885, and framing of rules and orders regarding internal management of the force.

History of the bill.

Though the system of Police Administration thus underwent some changes, the law relating to it did not keep pace with them. At present there are two different enactments in force—Act V of 1861 in force in Bangalore City and the regular and the village Police rules of 1872 in the rest of Mysore. The desirability of having a uniform system was recognised in 1886. A draft regulation was then prepared repealing Act V of 1861 and extending the rules of 1872 to the whole Province. This and the later attempt to frame a Regulation extending Act V of 1861 to the whole Province and retaining as much of the rules of 1872 as seemed necessary, did not meet with approval. In 1897 a fresh draft Regulation was prepared on the basis of the Bombay District Police Act (4 of 1890) with such modifications as the circumstances of Mysore rendered necessary. This draft was further revised to bring it into greater conformity with the present system of Police Administration and was then circulated to selected officers for remarks. On the receipt of their opinions, some of the recommendations made were adopted. Government, however, in view of the importance of this measure, appointed in 1904 a select committee composed of Mr. A. Rangasamiengar as President, Mr. Carr, Mr. M. Narain Rao and myself as members for the careful revision of the draft. This committee discussed not merely the details of the draft but also certain matters of principle brought before it for consideration by Mr. Carr. The committee made its recommendations, which have been adopted in this bill, which has thus had the advantage of careful consideration by the Government and revision at the hands of a committee, whose members had special and intimate acquaintance with both the Police and the general Administration of the Province.

Constitution and Organization of the Police.

The most important point as regards the Police force is its constitution and organization. The bill, therefore, deals with this subject first. The entire Police establishment is constituted as one force under the immediate direction and supervision of the Inspector-General of Police, who is, thus, the head of the Police Department, and the adviser of Government in all matters connected with the Police. He exercises general control over the Police and over crime especially organised crime and he is authorised to make rules and orders relating generally to the internal management and discipline of the force. He is assisted in the Districts, by District Superintendents and Assistant Superintendents who are purely Police officers, and in the Taluks by the Inspectors of Police. But, in conformity with the traditions of Police Administration in Mysore, the bill makes the Deputy Commissioner the head of the District Police, and continues the Police powers of the Amildar, who is to have general control over the Inspector of Police, the head of the Taluk Police.

[*Mr. K. P. Puttanna Chetty.*]

The Police powers of the Deputy Commissioner and the Amildar.

The continuance of the Deputy Commissioner as head of the District Police and the controlling powers of the Amildar over the Taluk Police have recently been subjected to hostile criticism. In some of the Provinces of British India the Police are independent of all control by Revenue officers, and it is the introduction of this system that was asked for by Mr. Ricketts in 1891 and recently by Mr. Carr. The proposal of Mr. Ricketts involved, as Mr. Carr's proposals do, the relieving of Deputy Commissioners and Amildars of all control over the Police or some proper limitation of such control. The Government, however, after careful consideration were of opinion that the Deputy Commissioners should, in the interests of an efficient Police Administration, continue to be the heads of Police in their Districts, and that it was not expedient to relieve the Amildars of their Police functions, as the advantages accruing from the measure were doubtful, while the disadvantages resulting therefrom were manifold. This was in 1892. During the meetings of the select committee in 1904, Mr. Carr revived these proposals, and the committee, after a full discussion, have recommended the continuance of the controlling powers of the Deputy Commissioners and Amildars over the District and Taluk Police respectively. Government have decided to accept these recommendations. The necessity for a change in a system which has given satisfaction during the last seventy years, has yet to be proved, and it cannot be based merely on a need for uniformity with the systems prevailing in some of the more advanced Provinces of British India. If experience is to be any guide, the present system in Mysore has much in its favor. Every successive Administration that had to deal with this question during the last half a century, has declared, in no uncertain terms, in favor of the system as prevailing in Mysore. The question is not purely one of departmental organization, but must be viewed also from the higher stand-point of the welfare of the people. As regards the Deputy Commissioner, he is the chief officer responsible for the administration of his district. As such, he must have intimate knowledge of the work of the Police, which can only be obtained by his being at its head. Again, it cannot be gainsaid that the work of the Police will improve in quality if it had the Deputy Commissioner's guidance and supervision, valuable on account of his knowledge of the district; while, at the same time, his authority will be a constant check on the excesses to which the Police may be hurried in their departmental zeal. The state of things under which the Deputy Commissioner is head of the Police instead of the District Superintendent, is at variance with the provisions of Act V of 1861 and the Madras Police system. But even there, it was clearly intended that the District Police Administration should vest jointly in the District Officer and the District Superintendent, the former being the guiding and supervising authority, and the latter his executive officer. Even the Police Codes of the various Indian Provinces recognise the need for supervision by the executive officer who is primarily responsible for the due administration of Criminal Justice. But such useful supervision is made difficult in British India by making the District Superintendent the head of the Police. Being subject to the executive officer only in his capacity as District Magistrate, the Superintendent resents all interference in the internal management of the force, and the natural result is conflict between the two. If the District Superintendent were subordinate to the Deputy Commissioner in law as in practice, we would have not merely the advantage of the Deputy Commissioner's help and guidance but also the absence of conflict between the two which is so injurious to efficient administration. Surely, therefore, it is no anomaly to declare the chief executive authority as head of the Police also, and the District Superintendent, as his Assistant in Police matters. Of course, petty and constant interference in the details of Police work is also injurious; but, I think, it may be safely left to the good sense and discretion of the Deputy Commissioner when to interfere and when not. At the same time, Government think that some liberty of action should be given to District Superintendents, and, accepting the recommendations of the committee, have provided in the bill, that the Deputy Commissioner should confine himself to matters connected with the efficient discharge of their duties by the Police of his district. The District Superintendent is invested with

[*Mr. K. P. Puttanna Chetty.*]

immediate control, without prejudice to the powers and responsibilities of the Deputy Commissioner, over ordinary matters connected with arms, accoutrements, drill, observation of gangs and suspects, collection of intelligence, distribution of duties and beats, education of men and officers and all other matters of ordinary routine nature. He can also correspond direct with the Inspector-General of Police in purely routine matters.

The exercise of Police powers by the Amildar is, I admit, subject to more theoretical objections than the case of Deputy Commissioners. But, I must once more repeat, the question must be looked at also from the side of practical utility. Any successful Police system in India, as the Government of India recognised long ago, must have the village Police as its backbone. The Amildar's active co-operation is essential for its amelioration and effective working; and it cannot be secured by divesting him of executive control over the Police. Moreover, the Amildar, being the local representative of Government, enjoys the confidence of the people in much larger degree than any purely departmental officer. His knowledge of what takes place in the corners of his taluk will act as a powerful check upon the abuses of the Police. The advice and co-operation of the Amildar, with his resources as the Revenue officer of the taluk, will go a great way in preventing that failure of justice which is too often due to the inefficiency and corruption of the subordinate Police. The only valid objection appears to be the combination of Magisterial and Police powers in an officer of the Amildar's status. In practice, however, no inconvenience is found to arise. He cannot try cases in which he has taken part as a Police officer. Again, all important Police cases being 1st class or Sessions cases, he cannot try them also. The principle of separation of executive and judicial functions, if pushed to its logical conclusion, would require, not that the Amildar should be divested of Police functions, but that he should be divested of Magisterial functions.

I have dealt with this question at length both because of its intrinsic importance as one of the characteristic features of our system, and because it may be thought that the recommendations of the recent Police Commission lend weight to the suggestions of Mr. Carr. Whatever may be the case in British India, it seems possible, in a Native State, to attain that co-ordination of functions in the same officer, which neither impairs efficiency nor divides responsibility.

Internal Regulation and Discipline.

I now pass on to the internal discipline of the force. This must, to a large extent, be entrusted to the Inspector-General of Police. He is empowered to make rules, subject to the orders of Government, on all matters referring to the discipline of the force. The Inspector-General can punish departmentally any Police officer below the grade of Assistant Superintendent, while the Deputy Commissioners and District Superintendents can punish officers below the grade of Inspectors. Except in the case of constables, where the Inspector-General of Police is the final authority, appeals lie to Government in all other cases of departmental punishment.

Police Regulations.

I will next draw your attention to the Chapter on Police Regulations, where you will find a number of provisions relating to the welfare and convenience of the public. Most of them confer necessary powers on the District Magistrate, while some enable the Police to act in emergent cases. The District Magistrate is empowered to make rules or orders on such matters as closing streets, preventing building materials to be left on the road, preventing people suffering from infectious diseases being carried through the streets, and matters of that kind, where regulations are necessary for the safety of the people. Certain powers are likewise given to Magistrates to preserve good order and decency. Thus, in Section 37, provision is made for dealing with brothels; Section 39 enables a Magistrate to make rules or orders to prevent riots and affrays between different classes of the community. Power is also given to Magistrates to prevent the uttering of obscene cries, or cries which tend to inflame religious

[*Mr. K. P. Puttanna Chetty; Mr. A. Rangaswami Iyengar; Mr. T. Ananda Rao.*]

animosity. Section 43 empowers a Magistrate to take all fitting steps against gangs of persons whose presence creates alarm in the neighbourhood. Similarly the Police are given certain powers against disorder in public places of amusement and in public meetings, and to regulate assemblies and processions in the streets.

Executive powers of the Police.

Chapter V contains exhaustive and, to a certain extent, novel provisions regarding the executive powers of the Police. Sections 47 and 49 define specifically the proper duties of the Police; while Section 48 emphasises the humane aspect of their duties; namely, to be of help to the helpless or disabled persons in the streets and to behave with gentleness and humanity. This is not a mere pious wish; for unnecessary harshness on their part in dealing with persons whom they arrest or search, is made punishable.

Of the remaining provisions, very few require any particular reference. The bill provides for the employment of additional Police whenever occasion demands it. If, in times of danger or serious breach of the peace, the Regular Police may be found to be insufficient, power is reserved to employ additional Police, the cost to be recovered from the inhabitants or any section or class of them, of the local area the disturbed condition of which necessitated such addition. The sympathy of the law-abiding section of any disturbed place is intended to be secured by enrolling them as Special Police Officers to put down lawlessness. Section 55 and its sub-sections provide punishments for various Police offences, Section 56 provides a proper remedy against cruelty to animals. Sections 61 to 68 incorporate the provisions of the Gambling Act (III of 1867) the extension of which to the whole of Mysore has been repeatedly urged from various quarters.

I have endeavoured briefly to explain the main features of the bill, and hope that it will receive full and exhaustive consideration in this Council. I now move for leave to introduce the bill.

MR. A. RANGASWAMI IYENGAR, seconded the motion. The motion was put to the Council and carried.

Bill to amend the Court-Fees Regulation III of 1900.

MR. T. ANANDA RAO:—

SIR,

I solicit leave of this Council to introduce a bill for amending the Court Fees Regulation III of 1900, in one respect. It is a short measure which will not engage the Council long. It is calculated to afford relief in respect of Court-fees to landholders and agriculturists who have the misfortune to be involved in litigation and to have recourse to Civil Courts.

2. Under Section 4, clause V, of the Regulation as it stands, the Court-fees payable in suits for possession of land, houses and gardens are regulated by the value of the *subject-matter* of the suit. The words 'subject matter' have been differently interpreted, and the prevailing interpretation has been that the words denote the property concerned in the suit, *viz.*, the land, house or garden itself, irrespective of the nature of the right involved. Thus, no distinction is made between cases in which the title to the property is itself in dispute and those cases in which without the proprietory right being disputed, the right to eject a tenant or other person in subordinate possession is alone disputed. If a house or garden worth fifty thousand rupees is the property concerned, Rs. 1,175 is the amount of Court-fee payable on the plaint, whether the suit is one in which the plaintiff's title itself is in dispute or is only an ejectment suit for non-payment of rent or other default in respect of the conditions of a tenancy. This operates as a hardship in the case of landlords and tenants in ejectment suits. The hardship has been complained of and brought to the notice of Government by members

[*Mr. T. Ananda Rao; Mr. S. Narayana Rao; The President.*]

in the Representative Assembly. By way of remedy, it is proposed to amend the Regulation so as to make a distinction between the two classes of cases and to allow of a smaller amount being payable as Court-fee on plaints in the latter class, *viz.*, purely ejectment suits.

3. I may add that, under Section 12 of the Mysore Legislative Council Regulation, the permission of the Dewan has been obtained in writing for the motion, which I now make.

MR. S. NARAYANA RAO:—I second this motion and I do so with great pleasure for the reason that in the course of my practice as a legal practitioner, I came across several cases of hardship in suits between landlords and tenants, which hardship the present bill is intended to remedy.

The motion was put to the Council and carried.

THE PRESIDENT:—

The leave to introduce the bills having been obtained, the next thing to be done is to publish these bills in the *Gazette*, and it is only after this is done that another meeting can be held. At the next meeting the principles will be explained, and the bills will be proceeded with, and after discussion, referred to a select committee, if necessary. These bills, as you are aware, are old ones, having been in the hands of Government for some time. We have, in anticipation of their being brought before this regularly constituted Council, taken steps to have them printed, and they will be ready much sooner than would otherwise be the case. I expect all the three bills will be published in the *Gazette* within fifteen days from now, and I suppose it would suit the convenience of the Council to meet again some time in the middle of August, and if that is inconvenient, in the last week of August.

After consulting the members, the Dewan announced that the next meeting would be held on Wednesday, the 28th August.

The meeting was then dissolved.

V. P. MADHAVA RAO,
President.

(3/04)

Amendment of Section 4, cl V of the Court Fees Regulation III of 1900.

~~Mr President~~, Sir,

I solicit leave of this Council to introduce a bill for amending the Court Fees Regulation III of 1900 in one respect. It is a short measure which will not engage the Council long.

long. It is Calculated to afford relief in respect of Court Fees to land-holders & agriculturists who have the misfortune to be involved in litigation & to have recourse to Civil Courts.

Under Section 4, clause V of the Regulation as it stands, the Court Fees payable in suits for possession of land, houses and gardens

gardens is regulated by the value of the subject matter of the suit. The words subject matter have been differently inter-preted & the prevailing interpretation has been that the words denote the property concerned in the suit viz the land, house or garden itself irres-pective of the nature of the right involved. Thus, no distinction is made between cases in which the title

title to the property
is itself in dispute
& those cases in which
without the proprietary
right being disputed,
the right to ~~hold~~ is alone
disputed. If a house or garden
worth 50 thousand
Rupees ~~or garden~~
~~assessed at Rs 10,000~~
is the property con-
cerned, Rs 1175 is
the amount of Court
Fee payable on the
plaint whether the
suit is one in
which the plaintiff's
title itself is in
dispute

Eject a tenant
or other person
in subordinate
possessi

dispute or is only
an ejectment suit
for nonpayment of
rent or other default
in respect of the
conditions of a
tenancy. This operates
as a hardship in
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Members in the D. R. A.
By way of remedy,
it is proposed to
amend the Regulation
so

so as to make a distinction between the two classes of cases and to allow of a smaller amount being payable as Court-fee on plaints in the latter class viz purely ejectment suits.

I may add that under section 12 of the Mysore Legislative Council Regulation, the permission of the Dewan has been obtained in writing for the ~~application~~ Petition which

which I now make

fair draft. Ada
Fri 27/July 06

Yes

(2) (4)

Government of His Highness the Maharaja of Mysore.

No 29
L.C.

Office of the Secretary [illegible]

Dated Bangalore the 26th July 1907.

N o t i f i c a t i o n.

Under rule 31 of the Rules framed under Regulation I o
of 1907 the following bills together with the statement of objects and reasons are published for general information:-

(1) The Village offices Bill.

(Here enter the bill attached with the statement of objects and reasons appended thereto)

(2) The Mysore Police Bill.

(Here print the Bill annexed with the revised statement of objects and reasons separately put up).

(3) The Court Fees Regulation Amendment Bill.

(Here enter the Bill with the statement of objects and reasons).

By order,

X The original off is kept in No 2 File 7.907 (Village Offices Bill) (X Off. Copy)

Offg: Secretary to Government.

To

The Compiler, Mysore Gazette, for publication in Part III of the Gazette in English and Canerese and for supply of 50 copies of each to the Legislative Section very early.

M.L.

A BILL TO AMEND THE MYSORE COURT-FEES REGULATION, III OF 1900.

Whereas it is expedient to amend the Mysore Court-Fees Regulation, III of 1900: His Highness the Maharaja is pleased to enact as follows:—

1. In Section 4, clause V, after the words "land, houses and gardens," the words "except in the case provided for in clause XII" shall be inserted.

2. In Section 4, the following shall be added at the end:—

"XII. In suits by a lessor or a landlord against his lessee or tenant to recover possession of land, houses and gardens, leased or tenanted, the amount of fee payable shall be either a fixed fee of 10 rupees, or according to the amount of the rent payable for the year next before the date of presenting the plaint, whichever is the greater of the two."

STATEMENT OF OBJECTS AND REASONS.

Under Section 4, clause V of the Court-Fees Regulation, 1900, the court-fee payable in suits for possession of land, houses and gardens is regulated according to the amount of the value of the subject matter of the suit. This applies not merely to suits where the plaintiff's title to the property in dispute is contested, but also to ejectment suits where a lessor or a landlord seeks to recover possession of his own property from his lessee or tenant owing to the latter's non-payment of rent or other similar cause. It has been represented to Government (*vide* Subject No. 47 of the Representative Assembly of 1906) that this operates as a hardship on lessors and landlords who have to pay heavy court-fees even in ejectment suits. The object of the present bill is to amend the Court-Fees Regulation so as to remedy this hardship. The bill enacts that, in suits for possession by a lessor or landlord against his lessee or tenant, the court-fee payable shall be, either a fixed fee of Rs. 10, or according to the amount of the rent payable for the year next before the date of presenting the plaint, whichever is the greater of the two.

As a consequential change, a proviso is added, by the bill, excluding ejectment suits by lessors or landlords, from the operation of Section 4, clause V.

By Order,

K. MYLAR RAO,

Secy., Mysore Legislative Council.

4/a

A BILL TO AMEND THE MYSORE COURT-FEES REGULATION, III OF 1900.

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Statement of Objects and Reasons.

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As a consequential change, a proviso is added, by the bill, excluding ejectment suits by lessors or landlords, from the operation of Section 4, clause V.

By Order,
K. MYLAR RAO,
Secy., Mysore Legislative Council.

(3)

(5)

To.

The members of Mysore Legl.

No 56-67 Leg 8th Aug 07.
LC

Sir,

In continuation of this office letter no 43-54 dated the 31st July 1907, I have the honor to forward herewith a copy each of the Police Bill and the Bill to amend the Court Fees Regn Act of 1901, with the Statement of objects and reasons therefor and a copy each of the marginally noted papers printed in connection with the former Bill

I have &c

(Sd) K. Gn.

Secy, Mysore Legl.

X

1) Memorandum on the System of Police in Mysore

2) Journal of the Committee appointed to revise the draft Police Regns

3) Report of the above Committee with appendices 1, 2, 4 & 7.

X (Copy)

The original is kept in L.C. 6 of 07 (Police Bill)

(2) S.N. 7.8.07

Typed 7/8/07
Compd S.N. 7/8/07

G.R.S. 12]

General and Revenue Secretariat.

L C File No. 13 of 1907-08

Serial No.	
	Petitions
	Petition of the 27th Augt '07 from S. A. Subramania Aiyar, Advocate, Shimoga. Favours a representation regarding the Court Fees Amendment Bill.
	Should be forwarded to the Select Committee also. Through the member in charge Mr. the Advocate-General.
31/8/07	Submitted to the Hon'ble Member.
	2-9-07 WWD
3931 2/9/07	Yes. But I hope you will have to keep yourself in touch with the Select Committee whom you will have to help also as far as you can.
	4/9/07
	Bring up when it is settled when the Select Committee would meet.
Legislative	12-9-07 WWD

Note—Contn. sheet

GPB—40,000—12 5-06

(6)

By post
22.8.07

To

The Secretary to the
Legislative Council
of Mysore
Bangalore.

Sir,

I beg to forward herewith Copy of my representation regarding the Court-fees amendment bill, which was sought to be moved by me at the ensuing meeting of the Representative Assembly at which the Dy. Commissioner Shimoga Dt; has referred to the Legislative Council for their Consideration.

I request that you may be pleased to circulate the same amongst the honorable members of the Council, before the bill is read a second time so that amendments on the lines suggested in my representation may be moved.

I have the honor to be
Sir,
Your most obedient Servant
S. R. Ballekundaraya
Advocate
Representative Members
Shimoga Municipality

Shimoga
27.8.07

27.

Dasarah Representative Assembly

1907

Serial no.	Subjects.	Summary of Representation.	Remarks
5.	5. Reduction of Court-fees in certain cases.	The bill to amend the Court-fees Regulation by adding a clause to S.4, will not benefit the poorer classes. The fixing of Rs 10/- as the minimum fee in Suits for possession against tenants, is a real hardship. If a landlord sues to eject a tenant out of a property worth Rs 100/- & yielding a yearly rent of Rs 12/- he will have to pay Rs 10/- as Court-fee on plaint, and not Rs 1-2-0. But if he sues a trespasser he will have to pay a smaller Court-fee on the value of the property Rs 7-8-0, although the latter Suit involves a question of title.	

P.T.O.

The bill may substitute the words "whichever is less" for "which ever is greater of the two" in the last of the proposed Clause XII to S. 4. This alteration will secure the object in view.

Yours Sincerely

[illegible]
Advocate
Representative Member
Legislative Assembly

(4)

(5)

General & Rev. Secretariat

Bangalore

Dated 14 August 1907.

To

K. Anglar Rao Esqr B.A. B.L.

Secretary to the Mysore Legislative Council.

Sir,

Please take notice that I intend making a motion that the following Bills for the introduction of which leave was granted at the meeting of the Council held on the 24th July last be read at the meeting of the Mysore Legislative Council to be held on Wednesday the 28th of August 1907.

I have the honor to be,
Sir,
Your most obedient servant,

(Sd) T. Ananda Rao

Ex Offo Member, Mysore Legislative Council.

1) The Village offices Bill

2) The bill to amend the Court Fees Regulation 3 of 1900.

The original is kept in the LC file for 07

(Copy)

SUPPLEMENT TO

The Mysore Gazette

PUBLISHED BY AUTHORITY.

BANGALORE, THURSDAY, AUGUST 29, 1907.

Abstract Proceedings of the Mysore Legislative Council.

The Council met in the Council Chamber, Public Offices, at 3 P.M. on Wednesday, the 28th August 1907.

PRESENT.

V. P. MADHAVA RAO, ESQ., C.I.E., Dewan (Presiding).

Ex-officio Members.

T. ANANDA RAO, ESQ., B.A., (First Councillor).
K. P. PUTTANNA CHETTY, ESQ., (Second Councillor).

Additional Members.

Official.

A. RANGASWAMI IYENGAR, ESQ., B.A., B.L.
H. J. BHABHA, ESQ., M.A.
RAO BAHADUR M. MUTHANNA, ESQ.
M. KANTHARAJ URS, ESQ., B.A.
S. NARAYANA RAO, ESQ.

Non-official.

V. N. NARASIMMIYENGAR, ESQ.
M. C. RANGIENGAR, ESQ., B.A.
B. NAGAPPA, ESQ., (Bar.-at-law).
SYED AMIR HASSAN, ESQ.

ABSENT.

Non-official.

RAJAMANTRA PRAVINA C. SREENIVASIENGAR, ESQ.

K. MYLAR RAO, ESQ., B.A., B.L. (Secretary).

DEWAN :—

Mr. C. Sreenivasaiengar has sent a letter regretting his inability to attend this meeting. He states that he generally approves of the principles of the bills, but that he has got certain amendments to propose, which he will do in due course.

The Secretary reported for the orders of the Council the representations received from Mr. Hema Hanumanthaiya, retired Assistant Commissioner, Mr. S. R. Balakrishna Rao, Advocate, Patel Subbaroyappa and Lakshminarasimhachar. The first two were reserved for consideration, and the other two were filed as they did not relate to any matter actually under the consideration of the Council.

Mr Narasimmaiengar presented a petition received by him from certain raiyats of the Devanhalli Taluk and observed that it was a protest against the Village Offices Bill.

Bill to amend the Stamp Regulation, II of 1900.

MR. A. RANGASWAMI IYENGAR :—

SIR,

I rise to move for permission to introduce a bill further to amend the Regulation No. II of 1900, relating to Stamps. That Regulation itself was passed on the lines of the Indian Stamp Act of 1899 in amendment of the previous Act I of 1879 which was in force in the Province. Since then the Indian Stamp Act of 1899 has been modified considerably by Acts VI of 1900, XI of 1904 and V of 1906. In the amendment Regulation now proposed are embodied all the changes introduced by these three amendment acts.

These changes have been arranged in ten clauses. Of these that which deserves to be mentioned first is clause No. 7 relating to the alteration of clause (1) (*b*) of Section 40 of Regulation II of 1900. This latter clause gives no discretion to the Deputy Commissioner to levy a penalty of less than ten times the amount of the proper stamp duty or of the difference between it and the stamp affixed on the instrument, where such amount is in excess of Rs. 5, even when he considers that it would be a hardship to enforce the full penalty. The hardship caused by this was brought to notice at the last meeting of the Representative Assembly. It is proposed to remedy this by inserting the words "an amount not exceeding" before the words "ten times the amount" in the said sub-section. This amendment has already been made by Act IV of 1904 in the Indian Stamp Act 1899.

The next in order of importance is clause 4 proposing a modification of the first proviso in Section 26 of the Regulation II of 1900. Under the existing proviso, the tendency is to levy stamp duty on Mining leases granted by Government where the value of the share or royalty is indeterminate, on an assumed valuation of Rs. 20,000 a year. This is considered unsuitable and hard in the case of small and unproductive mines. It is proposed to remedy this by providing that where a Mining lease is granted by the Government, the stamp duty leviable thereon will be according to the estimate, to be made by the Deputy Commissioner, of the amount of royalty payable. Clause 9 provides for the revision of the Deputy Commissioner's decision in such cases by the Chief Controlling Revenue Authority.

Another modification of some importance is made by clauses 1 (*a*) and (3). The former clause defines the expression "Marketable security." This definition is necessary in connection with the new Section 23*A* proposed in clause 3 providing for the levy of a fixed fee of 8 annas only instead of the fees prescribed in article 6 of Schedule I, when the security deposited by way of equitable mortgage is marketable.

Clause 10 (1) is also of some importance. There appears to be some doubt as to whether pawns and pledges come under article 6 of Schedule I. Other defects and anomalies noticed in the same connection are—

(*a*) want of provision therein for the case where an equitable mortgage is executed to secure the repayment of a loan after more than one year;

or (*b*) for the case where the advance secured is repayable on demand.

It is proposed in clause 10 (1) to omit the term "equitable mortgage" and amplify the article so as to define more clearly the nature of the transaction intended to be covered. Pawns and pledges are specifically mentioned and the reference to 'hypothecation' has been omitted; thus all transactions of the nature of hypothecation, *i.e.*, where movable property is simply appropriated by way of security for the discharge of a debt or engagement without parting with its possession are outside the scope of the article. It is proposed to impose the same duty on a document securing repayment after more than one year as that on a document securing repayment within one year; and documents securing repayments on demand are to be liable to the same duty as that on documents securing repayments after more than three months.

[*Mr. A. Rangaswami Iyengar; Mr. T. Ananda Rao.*]

Finally it is proposed to place all documents, whether their execution is or is not simultaneous with the advances secured by them, on the same footing.

Clauses 5 (*b*), 6 & 10 (7) relate to the duty on fire and marine insurance policies and have been introduced, though not likely to be required for use in the State, in order to bring the provisions of our Stamp law in line with those of the British Indian Act.

The following clauses also propose minor changes of some practical use :—

Clause 1 (*c*).—It suggests an addition to the definition of 'Settlement' with the object of preventing the evasion of stamp duty imposed on settlements which it is now possible to effect by the simple expedient of first making an oral disposition of the property to be settled and then recording the terms of the disposition in a declaration of trust in which the Settler and the Trustees join. Such an instrument is only chargeable with a stamp duty of Rs. 15 under Article 62 instead of with the heavier duty imposed by Article 56. The proposed addition to the definition will have the effect of requiring such instruments in future to be stamped as Settlements.

Clause 10 (5).—Stamp duties on certain mortgages of crops are reduced from four annas to two annas.

Clause 8.—Admits private banking firms to the benefit allowed by Section 51 of the Regulation in regard to the refund of the value of unused stamp papers.

It is unnecessary to refer to the remaining clauses as they are either unimportant or have been framed to carry out the amendments and alterations necessitated in the Act and the first Schedule by the amendments referrred to in the preceding paras.

MR. S. NARAYANA RAO seconded the motion, and it was put to the Council and carried.

The Village Offices Bill.

MR. T. ANANDA RAO :—

SIR,

Under Rule 33 of the Rules for the conduct of business, I beg to move that the bill to consolidate and amend the law relating to Village Offices in Mysore be read in Council. The bill has been printed and published in the *Mysore Gazette*, and copies have been furnished to the Members of this Council. The bill is accompanied by a Statement of Objects and Reasons. By a study of them, I have no doubt that Members have realized to themselves what I stated the other day in regard to the principles and scope of the proposed measure. It does not appear that notices of any amendments have been given. But it is not to be inferred from this that the bill is beyond criticism and incapable of improvement. Probably, proposals in this behalf have been reserved for the Committee stage of the bill. And speaking for myself I can say that this is the case. For example, on an examination of clauses 5, 6, and 7 of the bill, it will be found that the principal Village Officers, Patel, Shanbhog, Nirganti, Toti and Talari in alienated villages are, in respect of qualifications for office and discipline in office, placed on a somewhat different footing to that of their brother officers in Sirkar villages, the difference being, in my opinion, to the prejudice or in disparagement of the proprietors of alienated villages. Seeing how badly village accounts are kept, how badly also revenue is collected and accounted for to the raiyat and to the proprietor in an alienated village, I would like to see these proprietors possess facilities for better control over their village servants than is given in the bill. I reserve proposals in this behalf for the Committee stage. For another example, the representation from Mr. Hema Hanumanthaiya, retired Assistant Commissioner, which has been just presented to Council, is an interesting document making some suggestions worthy of being examined by a Select Committee on this bill. I may here refer to what he says regarding the necessity for registering the sonless widow in some cases as the holder of an office, and allowing her to appoint a substitute with reservation to herself of one-quarter of the salary of the office. It may be that the deceased husband obtained the office in the course of a partition of family property in which the office was reckoned as an asset; and in that case, it would indeed be a hardship to her to be deprived altogether of the emoluments of the office, and thereby perhaps the means of livelihood, upon the death of her husband without a son to take his place. It will be for the Select Committee first, and for this Council next, to consider how her requirements can be reconciled with those of the public service. Under such circumstances, I move that the bill may be read in Council, and that the Council may be pleased to appoint a Select Committee under Rule 33, clause 2, to consider and report on the bill.

[*Mr. Rangiengar; Mr. A. Rangaswami Iyengar; Mr. T. Ananda Rao; Dewan; Mr. K. P. Puttanna Chetty.*]

MR. RANGIENGAR:—

I heartily second the motion just now made by the First Councillor. The principles of the bill seem to have been discussed almost thread-bare by high officers of Government. There may be little to add to what has already been urged on behalf of the amendment of the bill; but owing to various reasons, as pointed out by the mover himself, the bill should go before a Select Committee and discussed in detail section by section. I submit that the bill may be referred to a Select Committee.

MR. A. RANGASWAMI IYENGAR:—

With your permission I will make one or two remarks on this occasion. There are a number of amendments which I shall reserve for the Select Committee stage. But on one principle I wish to dwell before the bill is referred to the Select Committee. The provisions of the bill are calculated to impair the hereditary nature of the appointments. I think the Council will do well to examine that point before referring it to the Committee as it stands, or if the Council will express their opinion on that point, it will enable the Select Committee to modify the provisions in conformity with that view, in their discussions. The appointments have been held to be hereditary for a long time, and the remuneration paid to these officials is so small that but for their hereditary character, it would have been impossible for the Government to have secured their services for so long. And this is important for another reason. If we want to promote the corporate nature of the village community and give certain powers of management to them, the Village Officers will be a very important element of that corporate body, and unless steps are taken to make the offices continue in the same family, it is not likely that the officials holding these appointments will command the necessary influence. It s very good to have educational and other qualifications, but these will not at all supply what is most wanted in these offices and that is, the influence which the hereditary character of the office and long residence in a village carry with them. I think, therefore, I am justified in proposing this point for the consideration of the Council at this stage. The rules framed are, I fear, calculated to disturb the hereditary nature of the appointments. No doubt, discretion is given to the Deputy Commissioners to select out of the family, but once there is none in this family who is qualified, the appointment may go out of the family altogether.

MR. T. ANANDA RAO:—

That point was not unnoticed. I said we were going to respect all the traditions of the appointments subject to what is essential for improving the service.

DEWAN:—

I do not think there is any idea of departing from the principle we have all along recognised in making the appointments. The hereditary principle is fully recognised and will be departed from only when it conflicts with the fitness of the individual, and even then the office will not be taken away from the family altogether.

The motion was put to the Council and carried, and the bill referred to a Select Committee consisting of Messrs. T. Ananda Rao, A. Rangaswami Iyengar, V. N. Narasimmiyengar, M. Kantharaj Urs and M. C. Rangiengar, for report before the 28th November 1907.

The Police Bill.

MR. K. P. PUTTANNA CHETTY:—

I have already explained in my opening speech the main principles of the bill. I shall only take up certain objections brought forward in the public press against the measure.

Two kinds of objections have been raised with reference to the Bill. The first objection is directed against the continuance of the Police powers of the Amildar and the Deputy Commissioner; while the second objection, approving of this arrangement, finds fault with the bill because it is thought that it ignores the principle of the separation of the executive and judicial functions. As regards the first objection, I have dwelt sufficiently at the last meeting

[*Mr. K. P. Puttanna Chetty; Mr. T. Ananda Rao; Mr. B. Nagappa.*]

upon the advantages accruing from the exercise of control over the Police officers by the Amildar and the Deputy Commissioner, and it is not perhaps necessary to say more on the point. I may, however, point out that the bill merely defines the existing state of things and that, where it deviates from the present system, it gives more liberty of action to the Police officers than they at present enjoy. The bill merely continues the Police powers of Amildars and Deputy Commissioners which they have been enjoying for a long time. The existing system does not appear to have caused any inconvenience or injustice. Therefore it rests on those who object to the present system to make out a case for divesting these executive officers of their Police functions. There is nothing objectionable in principle in investing the chief executive officers of the taluk and district, respectively, with the executive powers of Police officers.

The objection that the bill perpetuates the combination of executive and judicial functions is based on a misapprehension of the scope and objects of the bill. It is enough to dispose of this objection to say that there is nothing either in the bill or in my speech in introducing it to justify the assumption that the combination of the executive and judicial functions is extolled or extenuated. The question is a large and difficult one; it requires consideration from various aspects. And we cannot very well deal with the question in a bill which has for its subject-matter the organization and discipline of the Police force. In this bill, what we are concerned with is, whether it is not advantageous to continue the Police powers of the executive officers referred to. In this connection I see no advantage in discussing the wholly different question of the separation of executive and judicial functions. I may, however, say that the subject is engaging the attention of Government.

With these remarks I beg to move that the bill be read in Council.

MR. B. NAGAPPA seconded the motion and said that he was in agreement with the general principles of the bill.

The motion was put to the Council and carried, and the Bill referred to a Select Committee consisting of Messrs. K. P. Puttanna Chetty, V. N. Narasimmiyengar, M. C. Rangiengar and B. Nagappa for report before the 28th November 1907.

Bill to amend the Court Fees Regulation, III of 1900.

MR. T. ANANDA RAO :—

SIR,

The prescribed formalities having been fulfilled, I rise to move under Rule 33 that the bill to amend Section 4 of the Mysore Court Fees Regulation, III of 1900, be read in Council.

2. The justification for the proposed measure was stated by me here the other day, and has been explained in the Statement of Objects and Reasons. It might be further explained that as the law is now understood to stand in suits between landlord and tenant, when the tenant sues the landlord to recover possession of land from which he was unlawfully ejected, the Court fee payable is based on the yearly rental as stated in clause (xi) (*e*) of section 4 of the Regulation. But if it is the other way, that is, if the landlord sues the tenant to recover possession of land which the tenant unlawfully persists in holding, the basis of the Court fee is not the rent but the value of the land itself. The bill now proposes to alter this so as to make the yearly rent the basis in both cases. To prevent the temptation which frequently exists to strain the terms of a tenancy beyond fair bounds either way, it is proposed to fix a minimum amount as the Court fee. Thus, the Court fee payable is to be a fixed fee of Rs. 10 or according to the last yearly rent whichever is the greater of the two. The proposed bill is short and simple, and I do not know that the Council is not prepared to proceed with it without the intervention of a Select Committee.

MR. B. NAGAPPA :—

I second the motion. It is not necessary to refer this Bill for the consideration of the Select Committee.

There is an obvious defect in the section, namely, that it does not provide for cases where a tenant denies the landlord's title and the Courts allow the plaintiff to amend his plaint and prove his title. In such cases there is no provision empowering the Courts to levy additional Court fees. There will also be a difficulty about the question of jurisdiction.

With a view to remedy these defects an amendment may be proposed at the next meeting of the Council when this Bill will be formally considered.

[*Mr. Rangiengar.*]

MR. RANGIENGAR read Section 7, sub-head (xi), clause *(c.c.)* of the British Indian Court Fees Act as amended by Act VI of 1905, and said:—The amendment introduced into the British Indian Act is very simple and covers all cases contemplated by the present proposed amendment. There is no reason why any minimum fee of Rs. 10 should be fixed. As in British India, we here may simply provide for the Court fee being paid according to the annual rental value. The learned member in charge of the bill pointed out that a tenant can sue his landlord for possession of the property leased, paying a Court fee upon the annual rental value, and claimed for the landlord a similar indulgence. I am quite at one with him on this point. It seems to me that the provision relating to the suit by the tenant is capable of improvement. The provision as it stands at present enables the tenant to sue on a smaller stamp for being restored to possession of the property leased of which he has been wrongfully deprived. The existing provision does not provide for the tenant suing on a smaller stamp his landlord for being put in possession of the property leased, if the landlord refuses to deliver possession at all. A further difficulty in connection with the proposed amendment is what should be done when the defendant denies the lease altogether. Is the suit to be confined to the trial of one issue as to the existence of the relationship of landlord and tenant between the plaintiff and the defendant, and if that issue is found against the plaintiff, is the suit to be dismissed upon the analogy of a summary suit under Section 9 of the Specific Relief Act, or will the Council provide for the suit being tried on the question of title upon payment of any additional Court fee? These are some of the questions that demand consideration.

The Dewan observed that these were points to be discussed in a Select Committee, and the Council was also of this opinion.

The motion to read the bill was put to the Council and carried, and the bill was referred to a Select Committee consisting of Messrs. T. Ananda Rao, A. Rangaswami Iyengar, S. Narayana Rao, M. C. Rangiengar and B. Nagappa for report before the 28th November 1907.

The meeting was then dissolved.

V. P. MADHAVA RAO,
President.

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

No 159/15 dated the 18th Sept. 1907. From the D. C. Shimoga. Forwards extracts from the Memo of Subjects to be brought forward for discussion at the next Dasara Representative Assembly by members of his District re the Village Offices Bill & the Bill to amend the Court Fees Regulation now under the consideration of the L. C.

Of the extracts sent, those relating to the Village Offices Bill have been put up in another file for submission to the proper Select Committee. That which relates to the Bill to amend the Court Fees Regulation is now submitted. This is a duplicate of the Memo which was forwarded by Mr. S. R. Balakrishna Rao direct & which has been ordered to be placed before the Select Committee in charge of that Bill. The present reference will also be placed in that file.

Yes.

2CS. 24/9 24/9/07 27.9.

N·B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—30,000—11-4-06

Mr. S. R. Balakrishna Rao, B.A, L.L.B.

Advocate

Member for Shimoga Municipality

Pr III/ 1000/ 20.9

Serial No.	Subject.	Summary of Representation	Remarks
×	×	×	× ×
5	Reduction of Court Fees in certain cases	The bill to amend the Court fees Regulation by adding a clause to section 4 will not benefit the poorer classes. The fixing of Rs 10/- as a minimum fee in suits for possession against tenants is a great hardship. If a landlord sues to eject a tenant out of a property worth Rs 100/- yielding a yearly rent of Rs 12/- he will have to pay Rs 10 as Court fee on plaint and not Rs 1/2/-. But if he sues a trespasser he will have to pay a smaller Court fee on the value of the property, viz. Rs 7-8- although the latter suit involves a question of title.	

The bill may substitute the words "whichever is less" for "whichever is greater of the two" in the last line of the proposed clause XII to Section

This alteration will secure the object in view.

× × × × ×

(Signed) S. R. Balakrishnadas
BA. L.L.B
Representative Member,
Shimoga Municipality

"Extract"

Initial
For Deputy Commissioner,
Shimoga District

G.R.S. 26]

(10)

File No.

Serial No

Diary No. of letter replied to _____

No. 1948 6-11-07

Notification

General and Rev. Secretariat

( )

, *the* 190 .

Date of issue _____

Signed by _____

~~To~~

Under Rule 40 of the Rules for the Conduct of the business of the Mysore Legislative Council, the following report of the Select Committee to amend the Court Fees Regulation III of 1900 and the bill as amended by the Committee are published for general information.

approved

[Here print the Report & the amended bill].

By order
H. Krishnaraja
Secy, Legs Cl

5/11/07

SUBJECT.

over.

NOTIFICATION.

No. 194—L. C., dated 6th November 1907.

Under Rule 40 of the Rules for the conduct of the business of the Mysore Legislative Council, the following report of the Select Committee appointed to amend the Court Fees Regulation, III of 1900, and the bill as amended by the Committee, are published for general information.

By Order,
K. MYLAR RAO,
Secy., Mysore Legis. Council.

Report of the Select Committee.

We the members of the Select Committee appointed for the consideration of the bill to amend the Court Fees Regulation, III of 1900, beg to report as follows:—

The bill proposes to enact that in suits for possession of land, houses and gardens by a lessor or landlord against his lessee or tenant, the court fee payable shall be either a fixed fee of Rs. 10 or according to the amount of the rent payable for the year next before the date of presenting the plaint, whichever is the greater of the two. We think that the minimum of Rs. 10 fixed will work as a great hardship in the case of properties whose annual rental value is small. Considering the fact that in a large number of cases coming before the courts, the annual rental value of the property involved is only very small, we are of opinion that this minimum fee should be removed altogether. The object which the bill has in view has been secured in British India by Act VI of 1905 amending the Court Fees Act of 1870. Our Court Fees Regulation being almost the same as the British Indian enactment, we are of opinion that the same amendment may be adopted here and in the same words. We accordingly propose to amend the bill as follows:—

"Whereas it is expedient to amend the Court Fees Regulation, His Highness the Maharaja is pleased to enact as follows:—

1. In section 4, sub-head XI, of the said Regulation,

(1) after clause (*c*), the following clause shall be inserted, namely,

(*c c*) for the recovery of immovable property from a tenant, including a tenant holding over after the determination of a tenancy'; and

(2) for the word 'land' in both places in which it occurs, the words 'immovable property' shall be substituted."

(Sd.) S. NARAYANA RAO,
(*Chairman*).

(,,) T. ANANDA RAO.

,,) A. RANGASWAMI IYENGAR.

,,) M. C. RANGIENGAR.

,,) B. NAGAPPA.

G.R.S. 26]

(11)

File No.

Serial No.

Diary No. of letter replied to

No 203-214
L.C.

General and Revenue Secretariat
( )
, *the* 190

To
The ...
Sqr
Member, Legislative Council

Date of issue 16/11/07

Signed by Mr. K. Mylar Rao Sir,

Under Rule 60 of the Rules of for the conduct of business of the Singapore Legislative Council,

I have the honor to forward herewith ~~for~~ ~~[illegible]~~ ~~acceptance~~ a copy of the Report of the Select Committee appointed for the consideration of the ~~Bill~~ Bill to amend the Court Fees Regulation III of 1500, with the bill as amended by the Committee, ~~appended hereto~~.

I have etc
Sd
Leg. Mbr

16/11/07

over.

SUBJECT.

Copied JR 16/11.

Newspaper cuttings on Mr Court Fee Amendment Bill 1908

The Daily Post.

(FOUNDED 1873.)

SATURDAY EVENING, JAN. 25, 1908.

COURT FEE AMENDMENT BILL.

AMONGST other subjects, besides the Village Offices Bill, which come for consideration and discussion at the next meeting of the Mysore Legislative Council, is the proposed Bill to amend the Mysore Court Fee Regulation III of 1900. At the first meeting of the present constitution of the Legislative Council held on the 24th July, 1907, the First Councillor, Mr. ANANDA ROW, sought leave to introduce this measure, which, he said, was calculated to afford relief in respect of Court Fees to landlords and agriculturists "who have the misfortune to be involved in litigation and to have recourse to Civil Courts." The mover pointed out that under the provisions of the existing Regulation, the Court fees payable on suits for possession of land, houses and gardens are regulated by the value of the *subject matter* of the suit, and that the words *subject matter* are differently interpreted so as to denote the property concerned in the suits, viz., the land, house or garden itself, irrespective of the nature of the right involved. Mr. ANANDA ROW went further and explained by adding that no distinction is made between cases in which the title to the property is itself in dispute and those in which without the proprietory right being disputed, the right to eject a tenant or other person in subordinate possession is alone sought. By way of illustration, it was explained that if a house or a garden worth fifty thousand rupees is the property concerned, Rs.1,175 is the amount of Court fee payable on the plaint, whether the suit is one in which the plaintiff's title itself is in dispute, or is only an ejectment suit for non-payment of rent or other default in respect of the conditions of a tenancy. This anomaly was brought to the notice of Government by members of the Representative Assembly, and it was with a view to remedy the hardship complained of, that the proposed measure has been launched.

The motion for leave to introduce this measure was supported by Mr. S. NARAYANA ROW, who in doing so, said that in the course of his practice as a legal practitioner, he had come across several cases of hardship in suits between landlords and tenants.

At the next meeting of the Council, which was held on the 28th August last, this measure again came up for discussion, the Bill having in the meantime been duly published in the *Mysore Gazette*, and on this occasion, Mr. ANANDA ROW further explained, that as the law now stood, the Court fee payable by a tenant in a suit brought by him against a landlord who has ejected him, to recover possession of the land is based on the yearly rental; but if it is the other way, that is, if a landlord brought an action against a tenant for recovery of the land or the possession thereof, the basis of the Court Fee is not the yearly rental, but the value of the land itself. What the present Bill proposes to do, is to make the yearly rent the basis in both cases. It was also suggested that the Bill being both short and simple, there was no necessity to refer it to a Select Committee.

Mr. NAGAPPA, Barrister-at-Law, in seconding Mr. ANANDA ROW'S motion, remarked that there was no necessity for a reference of the measure to any Select Committee, but at the same time, pointed out "an obvious defect in Section 1, namely, that it does not provide for cases where a tenant denies the landlord's title and the Courts allow the plaintiff t amend his plaint and prove his title." He added that "in such cases there is no provision empowering the Courts to levy additional Court fees and that there will also be a difficulty about the question of Jurisdiction." It was suggested that, with a view to remedy these defects, an amendment may be proposed at the next meeting of the Council. Mr. RANGAIENGAR then drew the attention of the Council to the provisions of the British Indian Court Fees Act VI of 1905, and suggested that this amendment be adopted for Mysore as well. The result of all this discussion was that the Dewan was of opinion that the Bill should be referred to a Select Committee and this was accordingly done. The Committee has now submitted its report which will be laid before the Council on Wednesday next. Briefly, their recommendation is to amend the Mysore Court Fee Regulation on the lines of the British India Act VI of 1905. This is indeed a step in the right direction.

The original Bill as it stood was productive of serious evils. It was intended as a relief only to the landlords, while to the agriculturists the reverse was the effect. Even the amendment now proposed is a relief to the landlords, while it is calculated to work serious hardships to the Agriculturists. The reduction in the Court fees will enable the landlords to oppress and harass the tenants more freely than before, and the result will be that the Civil Courts and particularly the Munsiffs Courts will be inundated with Civil Suits for ejectment, which are now restricted and minimized by the heavy Court Fees. It would have been more to the interest of the tenants if instead of reducing the Court Fees in favour of the landlords the, Committee had decided to increase the same with respect to the tenants, because instances of a tenant suing a landlord for recovery of land from which he has been ejected are few and far between. This course, while it would not work any hardship against the tenants, would have removed the existing anomaly and at the same time tended to check the propensity of the landlords to harass the poor ryots.

(12/4)

NOTIFICATION.

No. 194—L. C., dated 6th November 1907.

Under Rule 40 of the Rules for the conduct of the business of the Mysore Legislative Council, the following report of the Select Committee appointed to amend the Court Fees Regulation III of 1900, and the bill as amended by the Committee, are published for general information.

By Order,
K. MYLAR RAO,
Secy., Mysore Legis. Council.

Report of the Select Committee.

We the members of the Select Committee appointed for the consideration of the bill to amend the Court Fees Regulation, III of 1900, beg to report as follows:—

The bill proposes to enact that in suits for possession of land, houses and gardens by a lessor or landlord against his lessee or tenant, the court fee payable shall be either a fixed fee of Rs. 10 or according to the amount of the rent payable for the year next before the date of presenting the plaint, whichever is the greater of the two. We think that the minimum of Rs. 10 fixed will work as a great hardship in the case of properties whose annual rental value is small. Considering the fact that in a large number of cases coming before the courts, the annual rental value of the property involved is only very small, we are of opinion that this minimum fee should be removed altogether. The object which the bill has in view has been secured in British India by Act VI of 1905 amending the Court Fees Act of 1870. Our Court Fees Regulation being almost the same as the British Indian enactment, we are of opinion that the same amendment may be adopted here and in the same words. We accordingly propose to amend the bill as follows:—

"Whereas it is expedient to amend the Court Fees Regulation, His Highness the Maharaja is pleased to enact as follows:—

1. In section 4, sub-head XI, of the said Regulation,

The "Daily Post" of Jan. 25, 1908:—
"Even the amendment now proposed is a relief to the landlords, while it is calculated to work serious hardships to the Agriculturists. The reduction in the Court Fees will enable the landlords to oppress & harpass the tenants more freely than before, and the result will be that the Civil Courts & particularly the Munsiffs' Courts will be inundated with Civil suits for ejectment, which are now restricted & minimised by the heavy Court fees. It wd. have been more in the interest of the tenants if, instead of reducing the Court fees in favour of the landlords, the Committee had decided to increase the same with respect to the tenants, ∵ instances of a tenant suing a landlord for recovery of land from wh. he has been ejected are few & far between. This ~~road~~ course, while it would not work any hardship against the tenants, wd. have removed the existing anomaly & at the same time tended to check the propensity of the landlords to harass the poor ryots.

(1) after clause (*c*), the following clause shall be inserted, namely,

'(*c c*) for the recovery of immovable property from a tenant, including a tenant holding over after the determination of a tenancy'; and

(2) for the word 'land' in both places in which it occurs, the words 'immovable property' shall be substituted."

(Sd.) S. NARAYANA RAO,
(*Chairman*).

(„) T. ANANDA RAO.

„) A. RANGASWAMI IYENGAR.

„) M. C. RANGIENGAR.

„) B. NAGAPPA.

(13)

SUPPLEMENT TO

The Mysore Gazette.

Vol. 43.] PUBLISHED BY AUTHORITY. [No. 5.

BANGALORE, THURSDAY, JANUARY 30, 1908.

Abstract Proceedings of the Mysore Legislative Council.

The Council met in the Council Chamber, Public Offices, at 3 P.M. on Wednesday, the 29th January 1908.

PRESENT.

V. P. MADHAVA RAO, ESQ., C.I.E., Dewan (Presiding).

Ex-officio Members.

T. ANANDA RAO, ESQ., B.A., (First Councillor).
K. P. PUTTANNA CHETTY, ESQ., (Second Councillor).

Additional Members.

Official.

RAJAKARYA PRAVINA A. RANGASWAMI IYENGAR, ESQ., B.A., B.L.
H. J. BHABHA, ESQ., M.A.
M. KANTHARAJ URS, ESQ., B.A.
S. NARAYANA RAO, ESQ.

Non-official.

RAJAMANTRA PRAVINA C. SREENIVASIENGAR, ESQ.
V. N. NARASIMMIYENGAR, ESQ.
M. C. RANGIENGAR, ESQ., B.A.
B. NAGAPPA, ESQ., (Bar-at-law).
SYED AMIR HASSAN, ESQ.

ABSENT.

Official.

RAO BAHADUR M. MUTHANNA, ESQ.

K. MYLAR RAO, ESQ., B.A., B.L. (Secretary).

[*President; Mr. S. Narayana Rao; Mr. Kantharaj Urs; Mr. M. C. Rangiengar.*]

PRESIDENT.—The Secretary will read to the Council an abstract of the representations received in connection with the Village Offices Bill.

The Secretary reported to the Council the representations received from Mr. S. Seshur, Mr. Hema Hanumanthaiya, Mr. A. Subramanya Sastri and others and the patels and shanbhogs of Tarikere and other places, regarding the Village Offices Bill.

Bill further to amend the Code of Civil Procedure.

PRESIDENT.—The next subject on the agenda paper is that leave be granted to introduce a bill further to amend the Civil Procedure Code. Mover, MR. S. NARAYANA RAO.

MR. S. NARAYANA RAO.—Sir, I beg to move for leave to introduce a bill for further to amend the Code of Civil Procedure now in force in the Province.

It may have been noticed that the Government of India have recently introduced into His Excellency the Viceroy's Legislative Council a bill to amend the Civil Procedure Code which recasts the whole Code into a new form altogether, by separating the principles that should guide the Courts from Rules which regulate the minor details of practice. Simplicity and elasticity are claimed for the bill without the introduction of any substantial or radical changes in the existing law. If this bill were to become law, and experience justifies the expectations raised, we may find it advantageous to introduce the same or to model ours after it. This may take a long time, but the amendments covered by the present bill cannot be made to wait indefinitely.

The present bill is a very small measure containing five simple clauses.

The first and second of these clauses refer to Section 310A of the Civil Procedure Code which provides for the cancellation of the sale of a judgment-debtor's immovable property on certain conditions. The first clause in the proposed bill refers to clause (*b*) (ii) of sub-section (1) of Section 310A. This clause, as it now stands, directs the judgment-debtor to deposit in Court an amount equal to the purchase money for payment to the decree-holder, even though such amount exceeds the amount due to the decree-holder. The proposed amendment removes this hardship without introducing any innovation.

The second clause deals with a formal or verbal defect in the language of the said Section 310A, Civil Procedure Code. It will be noticed from the wording of the section as it now stands that it contains no operative clause, and it is proposed to supply the defect by adding a clause to the effect that when the judgment-debtor makes the deposit of purchase money etc., as laid down in the preceding clause, the Court shall set aside the sale.

The fifth clause declares that an order passed under the above-named section is appealable.

The third and fourth clauses are somewhat important. They are intended to remove the congestion of work in the Chief Court by raising the minimum value of suits, in which the second appeals may lie. The second appeals in petty cases are said to have blocked the progress of litigation. To remedy this, it is necessary to alter Sections 584 and 586. Hence the motion for leave to introduce this bill.

MR. KANTHARAJ URS seconded the motion.

MR. M. C. RANGIENGAR.—I beg to submit that the bill for introducing which the leave of the Council is asked consists of two distinct clauses, one, a very desirable amendment of Section 310A, Civil Procedure Code, and the other, in my humble opinion, not a desirable amendment, *i.e.*, of Sections 584 and 586. The right of appeal is in every subject an inherent and a natural right; and before such a right is curtailed to any appreciable extent, a very strong case should be made out. The mere fact that the Chief Court finds itself unable to cope with the appeals before it is no ground to curtail the right.

[*Mr. M. C. Rangiengar; Mr. B. Nagappa; Mr. C. Sreenivasiengar; President; Mr. A. Rangaswami Iyengar.*]

In 1884, when the Code of Civil Procedure was introduced, a special departure was made from the British Code, by providing for the right of second appeal in cases in which the findings of the two lower Courts differed. When there are concurrent findings on facts by two Courts, there is no second appeal. This is because two judges have applied their minds to the case and come to the same conclusion. But when two lower Courts differed in their decisions as regards questions of fact, the Government of Mysore rightly considered that it was right and proper that the case should go before the highest tribunal constituted by Government, for meting out justice to parties. Section 584 was so worded, therefore, as to give the people of Mysore the right of second appeal to the Chief Court when two lower Courts differed in their findings. Now this is sought to be interfered with to some extent. And further, by the amendment of Section 586, the right of second appeal is extinguished in all cases of a small cause nature, under Rs. 500. I submit that as private property in Mysore goes, Rs. 500 represents to a large majority of His Highness' subjects, a large fortune. I submit that these two distinct matters have been clubbed together, a very desirable amendment of Section 310A coming in, what I may be permitted to call bad company with the amendments of Sections 584 and 586, and I submit that a rule may be given as to whether we are to vote on the motion as it stands or whether it could be split so that one may vote for the first part only.

MR. B. NAGAPPA.—I fully concur with my learned friend. In Mysore, valuation of property for purposes of Court-fee depends on assessment and is much less than the market value of land. Almost all cases that arise here relate to land. It being an agricultural country, and the people being poor, the valuation in most cases falls under Rs. 500. It is the experience of one and all, both judicial officers and members of the bar, that we invariably succeed in second appeals, and the decree of the Appellate Court is reversed. The only ground given by the mover for this amendment is that there is heavy work in the Chief Court. I hardly think this is a good ground for the proposed amendment. The circumstances under which second appeal was allowed were considered when Section 584 was inserted, and I submit that no strong case has been made out by the mover to depart from the wise principle laid down in that section. I submit that leave should not be granted to introduce such a measure as is contemplated in the second part of the bill. I propose that the bill may be split into two. I fully concur that the first part is desirable.

PRESIDENT.—This is only a motion for leave to introduce the bill. I do not think that at this stage we need discuss questions of principle involved in the measure. When the bill is read in Council before it is referred to a Select Committee, if necessary, the members may urge their opinions, as regards the principles of the bill and if the Council thinks that any deletion is necessary, it is open to it to approve of only of a part of the bill. So far as the present motion is concerned, I do not think that we need go into the principles of the bill now.

MR. C. SREENIVASIENGAR.—This is only a formality. All that is asked for is leave to introduce the bill. The bill will be introduced and read later on.

MR. M. C. RANGIENGAR.—I accept the ruling of the President.

The motion for leave to introduce the bill was then put to the Council and carried.

The bill to amend the Stamp Regulation, II of 1900.

PRESIDENT.—The next subject is the introduction and reading of the Bill to amend the Stamp Regulation, II of 1900. Mover, RAJAKARYA PRAVINA MR. A. RANGASWAMI IYENGAR.

MR. A. RANGASWAMI IYENGAR.—Sir, under Rule 33 of the rules for the conduct of business, I beg to move that the bill to amend the Stamp Regulation, II of 1900, be read in Council. At the meeting of the Council on the 20th August last, I had the honor of applying for permission to introduce this bill and briefly explained the alterations which are proposed to be made in the Stamp Regulation, II of 1900, by the present bill. That application having been granted, the bill and the statement

[*Mr. A. Rangaswami Iyengar; Mr. M. C. Rangiengar.*]

of objects and reasons explaining in detail its provisions have been published both in English and Kanarese in the Government Gazette of 26th September and 14th November 1907, respectively, and copies thereof have been supplied to the members of the Council.

Only one proposal has been received from Dr. W. F. Smeeth about the stamp duty leviable on mining leases and prospecting licenses and about the definition of the term 'lease.' Dr. Smeeth, while agreeing with me that under the first proviso to Section 26 of the Stamp Regulation, the assumed valuation of Rs. 20,000 where the value of the share or royalty is indeterminate is unsuitable, thinks that neither the Deputy Commissioner nor any one else would ever be in a position to estimate the amount of royalty payable and, therefore, suggests that the question of royalty be left out of consideration altogether in computing the stamp duty payable for the lease and that stamp duty be fixed only on the rent payable for the lease which in ordinary cases would be at the rate of Re. 1 per acre. He further points out that under ordinary circumstances the person who obtains the lease does not proceed to work the property himself and get as far as paying any royalty, and that, if the property is found valuable, it is invariably assigned to a company for a consideration, when the proper stamp duty will be recovered on the assignment

It does not, however, appear to me quite sound in principle to omit 'royalty' altogether as an item of consideration for the lease. Nor can it be assumed that lessees ordinarily never get as far as paying any royalty or that the property when found valuable will invariably be assigned to a company for a consideration. The proviso in question which was added to the Indian Stamp Act, II of 1899, was a relaxation of the provisions of the then existing law. A further concession having been considered desirable in the case of ordinary mines which may not be very profitable, it was further relaxed by Act XV of 1904, and the District Collectors were empowered to fix the royalty in each case. A similar provision is now proposed to be made in our Stamp Regulation. This point may, however, be discussed in Council. I would suggest that, if necessary, provision may be made for the Government to frame rules for the guidance of Deputy Commissioners for estimating the royalty or that Government may once for all fix the minimum amount of royalty for the purpose of stamp duty.

The second suggestion of Dr. Smeeth is that prospecting licenses should also be stamped according to the amount of annual rent charged therefor. It would be inexpedient to treat these as leases, nor are they instruments requiring stamp duty, being issued by Government.

As regards the definition of 'lease,' under clause 16 of Section 2 of the Regulation, "lease" is defined to mean "a lease of immovable property and includes also a patta, a kabuliat or other undertaking in writing, not being a counterpart of a lease, to cultivate, occupy or pay or deliver rent for immovable property, etc." Dr. Smeeth thinks that this definition does not include 'royalty' as royalty is payable only for minerals which are *removed* by the lessee and cannot be considered as rent for *immovable* property. But as the definition* of immovable property includes benefits arising out of land, the present definition of lease is sufficiently comprehensive and royalty payable on minerals may come under the terms "rent for immovable property."

There are, as far as I am aware, no other questions of a controversial nature involved in the bill and only amendments which are incorporated in the latest Indian Act have been embodied in it. There is, therefore, no necessity for referring the bill to a Select Committee, and I would move that it be read in Council and taken into consideration at the next Council Meeting.

MR. M. C. RANGIENGAR.— I beg to second it. In doing so, I beg for a little information from Mr. Rangaswami Iyengar. It is proposed that in the definition of "settlement" in clause 24, the following words shall be added, namely, "and where any such disposition has not been made in writing, any instrument recording,

Vide Section 3 (25) of the General Clauses Act, X of 1897.

[*President; Mr. B. Nagappa; Mr. T. Ananda Rao; Mr. M. C. Rangiengar; Mr. C. Sreenivasiengar; Mr. Ananda Rao; Mr. M. Kantharaj Urs.*]

whether by way of declaration of trust or otherwise the terms of any such disposition." It includes a private letter written by an individual in which a statement is made that there had been a settlement before. "Recording" is rather a spacious word. That is the only point to which I would like to draw the attention of the Council with the object that it may be cleared at the next meeting.

PRESIDENT.—It may be noted for the information of the Council.

MR. B. NAGAPPA.—This may be taken for consideration at the next meeting. The proposal of Dr. Smeeth seems to me to be a very important and proper one. We may consider it at the next reading of the bill as we are not going to have a Select Committee.

The motion was put to the Council and carried and the bill was introduced and read.

The bill to amend the Court Fees Regulation.

PRESIDENT.—The fourth subject for consideration to-day is the motion that the bill to amend the Court Fees Regulation and the Report of the Select Committee thereon be taken into consideration. Mover, MR. T. ANANDA RAO.

MR. T. ANANDA RAO.—Under Rule 46 of the rules relating to the conduct of business at this Council, I beg to formally present the report of the Select Committee appointed to consider the Court Fees Regulation amendment bill and to move that the report and the bill as amended by them be taken into consideration at this meeting.

MR. M. C. RANGIENGAR.—I beg to second the motion.

THE PRESIDENT then read the bill as amended by the Select Committee and took the sense of the meeting, and it was agreed that it may be passed at the next meeting.

MR. C. SREENIVASIEGAR.—The formality about the consideration of the bill at a subsequent meeting may be dispensed with in this case.

The members having agreed, the President said that opinion being unanimous, the bill may be taken as passed.

The Village Offices Bill.

PRESIDENT.—The fifth subject is the motion that the Village Offices Bill, as amended by the Select Committee and their report, be taken into consideration. Mover, MR. T. ANANDA RAO.

MR. T. ANANDA RAO.—Under Rule 46 of the rules relating to the conduct of buisness of this Council, and in slight modification of the notice of motion which stands in my name in the agenda paper, I beg leave formally to present to the Council the report of the Select Committee constituted to consider the bill relating to Village Offices in Mysore, and to propose that the Select Committee's report and the bill as amended by them be taken into consideration at a subsequent meeting of the Council. The notice of the amendments on the agenda paper has been somewhat short and there are some points in the Select Committee's report which require examination.

MR. M. KANTHARAJ URS seconded it.

This was put to the Council and carried.

The meeting was then dissolved, the next meeting being fixed for the 24th February next.

V. P. MADHAVA RAO,
President.

G.R.S. 26]

(14)

L.C. File No. 8-07

Serial No.

Diary No. of letter replied to _____

No. 334/L.C.8-07

General and Revenue Secretariat

(Legis. Council

, *the* 190 .

To The Supdt. Govt Press,
Bangalore.

Date of issue 15th February 08.

Signed by Mr. K. Mylar Rao

Vide copy attached]

Have the honor to forward herewith a copy of a bill to amend the Court Fees Act III of 1500 as finally passed by the Legislative Council & to request that the same may be printed & 50 copies forwarded to this office at once.

K. D.

Secretary

SW
16-2-08

over.

SUBJECT.

(1/7/97)

A Bill to amend the Mysore Court Fees Regulation, III of 1900.

—

Preamble] Whereas it is expedient to amend the Mysore Court Fees Regulation, His Highness the Maharaja is pleased to enact as follows:—

Addition to Sec 4, Subhead xi] 1. In section 4, Subhead xi, of the said Regulation, (1) after clause (c), the following clause shall be inserted, namely:

"(cc) for the recovery of immovable property from a tenant, including a tenant holding over after the determination of a tenancy"; and

"(2) for the word 'land' in both places in which it occurs, the words 'immovable property' shall be substituted".

By order.

K. Mylara Rao.

Secy. Mysore Legislative Council

(14)

A Bill to amend the Mysore Court Fees Regulation, III of 1900.

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Preamble.

Addition to Section 4, sub-head xi.

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(2) for the word 'land' in both places in which it occurs, the words 'immovable property' shall be substituted.

(15)

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"(*cc*) for the recovery of immovable property from a tenant, including a tenant holding over after the determination of a tenancy;" and

(2) for the word 'land' in both places in which it occurs, the words 'immovable property' shall be substituted.

Received the assent of His Highness the Maharaja on the 19th May 1908.

M. Madhava Rao
Dewan.

Regn I of 1908

(16)

Regulation

A ~~Bill~~ to amend the Mysore Court Fees Regulation, III of 1900.

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(2) for the word 'land' in both places in which it occurs, the words 'immovable property' shall be substituted.

(sd) V. P. Madhava Rao

Dewan of Mysore.

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